

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Behavior Analyst Licensing Act is amended
5 by changing Section 60 as follows:

6 (225 ILCS 6/60)

7 (Section scheduled to be repealed on January 1, 2028)

8 Sec. 60. Grounds for disciplinary action.

9 (a) The Department may refuse to issue or renew a license,
10 or may suspend, revoke, place on probation, reprimand, or take
11 any other disciplinary or nondisciplinary action deemed
12 appropriate by the Department, including the imposition of
13 fines not to exceed \$10,000 for each violation, with regard to
14 any license issued under the provisions of this Act for any one
15 or a combination of the following grounds:

16 (1) material misstatements in furnishing information
17 to the Department or to any other State agency or in
18 furnishing information to any insurance company with
19 respect to a claim on behalf of a licensee or a client
20 ~~patient~~;

21 (2) violations or negligent or intentional disregard
22 of this Act or its rules;

23 (3) conviction of or entry of a plea of guilty or nolo

1 contendere, finding of guilt, jury verdict, or entry of
2 judgment or sentencing, including, but not limited to,
3 convictions, preceding sentences of supervision,
4 conditional discharge, or first offender probation, under
5 the laws of any jurisdiction of the United States that is
6 (i) a felony or (ii) a misdemeanor, an essential element
7 of which is dishonesty, or that is directly related to the
8 practice of behavior analysis;

9 (4) fraud or misrepresentation in applying for or
10 procuring a license under this Act or in connection with
11 applying for renewal or restoration of a license under
12 this Act;

13 (5) professional incompetence;

14 (6) gross negligence in practice under this Act;

15 (7) aiding or assisting another person in violating
16 any provision of this Act or its rules;

17 (8) failing to provide information within 60 days in
18 response to a written request made by the Department;

19 (9) engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public as defined by the rules of the
22 Department or violating the rules of professional conduct
23 adopted by the Department;

24 (10) habitual or excessive use or abuse of drugs
25 defined in law as controlled substances, of alcohol, or of
26 any other substances that results in the inability to

1 practice with reasonable judgment, skill, or safety;

2 (11) adverse action taken by another state or
3 jurisdiction if at least one of the grounds for the
4 discipline is the same or substantially equivalent to
5 those set forth in this Section;

6 (12) directly or indirectly giving to or receiving
7 from any person, firm, corporation, partnership, or
8 association any fee, commission, rebate, or other form of
9 compensation for any professional service not actually
10 rendered; nothing in this paragraph affects any bona fide
11 independent contractor or employment arrangements among
12 health care professionals, health facilities, health care
13 providers, or other entities, except as otherwise
14 prohibited by law; any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this
18 Act; nothing in this paragraph shall be construed to
19 require an employment arrangement to receive professional
20 fees for services rendered;

21 (13) a finding by the Department that the licensee,
22 after having the license placed on probationary status,
23 has violated the terms of probation or failed to comply
24 with those terms;

25 (14) abandonment, without cause, of a client;

26 (15) willfully making or filing false records or

1 reports relating to a licensee's practice, including, but
2 not limited to, false records filed with federal or State
3 agencies or departments;

4 (16) willfully failing to report an instance of
5 suspected child abuse or neglect as required by the Abused
6 and Neglected Child Reporting Act;

7 (17) being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act, and
10 upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act;

14 (18) physical illness, mental illness, or any other
15 impairment or disability, including, but not limited to,
16 deterioration through the aging process, or loss of motor
17 skills that results in the inability to practice the
18 profession with reasonable judgment, skill, or safety;

19 (19) solicitation of professional services by using
20 false or misleading advertising;

21 (20) violation of the Health Care Worker Self-Referral
22 Act;

23 (21) willfully failing to report an instance of
24 suspected abuse, neglect, financial exploitation, or
25 self-neglect of an eligible adult as defined in and
26 required by the Adult Protective Services Act; or

1 (22) being named as an abuser in a verified report by
2 the Department on Aging under the Adult Protective
3 Services Act, and upon proof by clear and convincing
4 evidence that the licensee abused, neglected, or
5 financially exploited an eligible adult as defined in the
6 Adult Protective Services Act.

7 (b) The determination by a court that a licensee is
8 subject to involuntary admission or judicial admission as
9 provided in the Mental Health and Developmental Disabilities
10 Code shall result in an automatic suspension of the licensee's
11 license. The suspension shall end upon a finding by a court
12 that the licensee is no longer subject to involuntary
13 admission or judicial admission and issues an order so finding
14 and discharging the patient, and upon the recommendation of
15 the Board to the Secretary that the licensee be allowed to
16 resume professional practice.

17 (c) The Department shall refuse to issue or renew or may
18 suspend the license of a person who (i) fails to file a tax
19 return, pay the tax, penalty, or interest shown in a filed tax
20 return, or pay any final assessment of tax, penalty, or
21 interest, as required by any tax Act administered by the
22 Department of Revenue, until the requirements of the tax Act
23 are satisfied or (ii) has failed to pay any court-ordered
24 child support as determined by a court order or by referral
25 from the Department of Healthcare and Family Services.

26 (c-1) The Department shall not revoke, suspend, place on

1 probation, reprimand, refuse to issue or renew, or take any
2 other disciplinary or non-disciplinary action against a
3 person's authorization to practice ~~the license or permit~~
4 ~~issued~~ under this Act based solely upon the person licensed
5 ~~behavior analyst~~ recommending, aiding, assisting, referring
6 for, or participating in any health care service, so long as
7 the care was not unlawful under the laws of this State,
8 regardless of whether the client ~~patient~~ was a resident of
9 this State or another state.

10 (c-2) The Department shall not revoke, suspend, place on
11 prohibition, reprimand, refuse to issue or renew, or take any
12 other disciplinary or non-disciplinary action against a
13 person's authorization to practice ~~the license or permit~~
14 ~~issued~~ under this Act ~~to practice as a licensed behavior~~
15 ~~analyst~~ based upon the person's licensed behavior analyst's
16 license, registration, or permit being revoked or suspended,
17 or the person licensed behavior analyst being otherwise
18 disciplined, by any other state, if that revocation,
19 suspension, or other form of discipline was based solely on
20 the person licensed behavior analyst violating another state's
21 laws prohibiting the provision of, authorization of,
22 recommendation of, aiding or assisting in, referring for, or
23 participation in any health care service if that health care
24 service as provided would not have been unlawful under the
25 laws of this State and is consistent with the applicable
26 standard ~~standards~~ of conduct for a person licensed behavior

1 ~~analyst~~ practicing in Illinois under this Act.

2 (c-3) The conduct specified in subsections (c-1) and (c-2)
3 shall not constitute grounds for suspension under Section 125.

4 (c-4) The Department shall not revoke, suspend, summarily
5 suspend, place on prohibition, reprimand, refuse to issue or
6 renew, or take any other disciplinary or non-disciplinary
7 action against a person's authorization to practice ~~the~~
8 ~~license or permit issued~~ under this Act ~~to practice as a~~
9 ~~licensed behavior analyst~~ based solely upon the person's
10 license, registration, or permit ~~of a licensed behavior~~
11 ~~analyst~~ being revoked or suspended, or the person ~~the licensed~~
12 ~~behavior analyst~~ being otherwise disciplined, by any other
13 state or territory other than Illinois for the referral for or
14 having otherwise participated in any health care service, if
15 the revocation, suspension, or disciplinary action was based
16 solely on a violation of the other state's law prohibiting
17 such health care services in the state, for a resident of the
18 state, or in any other state.

19 (d) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel a person licensed
21 to practice under this Act, or who has applied for licensure
22 under this Act, to submit to a mental or physical examination,
23 or both, which may include a substance abuse or sexual
24 offender evaluation, as required by and at the expense of the
25 Department.

26 (1) The Department shall specifically designate the

1 examining physician licensed to practice medicine in all
2 of its branches or, if applicable, the multidisciplinary
3 team involved in providing the mental or physical
4 examination or both. The multidisciplinary team shall be
5 led by a physician licensed to practice medicine in all of
6 its branches and may consist of one or more or a
7 combination of physicians licensed to practice medicine in
8 all of its branches, licensed clinical psychologists,
9 licensed clinical professional counselors, and other
10 professional and administrative staff. Any examining
11 physician or member of the multidisciplinary team may
12 require any person ordered to submit to an examination
13 pursuant to this Section to submit to any additional
14 supplemental testing deemed necessary to complete any
15 examination or evaluation process, including, but not
16 limited to, blood testing, urinalysis, psychological
17 testing, or neuropsychological testing.

18 (2) The Department may order the examining physician
19 or any member of the multidisciplinary team to present
20 testimony concerning this mental or physical examination
21 of the licensee or applicant. No information, report,
22 record, or other documents in any way related to the
23 examination shall be excluded by reason of any common law
24 or statutory privilege relating to communications between
25 the licensee or applicant and the examining physician or
26 any member of the multidisciplinary team. No authorization

1 is necessary from the licensee or applicant ordered to
2 undergo an examination for the examining physician or any
3 member of the multidisciplinary team to provide
4 information, reports, records, or other documents or to
5 provide any testimony regarding the examination and
6 evaluation.

7 (3) The person to be examined may have, at the
8 person's own expense, another physician of the person's
9 choice present during all aspects of the examination.
10 However, that physician shall be present only to observe
11 and may not interfere in any way with the examination.

12 (4) The failure of any person to submit to a mental or
13 physical examination without reasonable cause, when
14 ordered, shall result in an automatic suspension of the
15 person's license until the person submits to the
16 examination.

17 (e) If the Department finds a person unable to practice
18 because of the reasons set forth in this Section, the
19 Department or Board may require that person to submit to care,
20 counseling, or treatment by physicians approved or designated
21 by the Department or Board, as a condition, term, or
22 restriction for continued, reinstated, or renewed licensure to
23 practice; or, in lieu of care, counseling, or treatment, the
24 Department may file, or the Board may recommend to the
25 Department to file, a complaint to immediately suspend,
26 revoke, or otherwise discipline the license of the person. Any

1 person whose license was granted, continued, reinstated,
2 renewed, disciplined, or supervised subject to the terms,
3 conditions, or restrictions, and who fails to comply with the
4 terms, conditions, or restrictions, shall be referred to the
5 Secretary for a determination as to whether the person shall
6 have the person's license suspended immediately, pending a
7 hearing by the Department.

8 (f) All fines imposed shall be paid within 60 days after
9 the effective date of the order imposing the fine or in
10 accordance with the terms set forth in the order imposing the
11 fine.

12 If the Secretary immediately suspends a person's license
13 under this subsection, a hearing on that person's license must
14 be convened by the Department within 30 days after the
15 suspension and completed without appreciable delay. The
16 Department and Board shall have the authority to review the
17 subject person's record of treatment and counseling regarding
18 the impairment, to the extent permitted by applicable federal
19 statutes and regulations safeguarding the confidentiality of
20 medical records.

21 A person licensed under this Act and affected under this
22 Section shall be afforded an opportunity to demonstrate to the
23 Department or Board that the person can resume practice in
24 compliance with acceptable and prevailing standards under the
25 provisions of the person's license.

26 (g) The Department may adopt rules to implement, l

1 administer, and enforce this Section ~~the changes made by this~~
2 ~~amendatory Act of the 102nd General Assembly.~~

3 (Source: P.A. 102-953, eff. 5-27-22; 102-1117, eff. 1-13-23.)

4 Section 10. The Clinical Psychologist Licensing Act is
5 amended by changing Section 15 as follows:

6 (225 ILCS 15/15) (from Ch. 111, par. 5365)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 15. Disciplinary action; grounds.

9 (a) The Department may refuse to issue, refuse to renew,
10 suspend, or revoke any license, or may place on probation,
11 reprimand, or take other disciplinary or non-disciplinary
12 action deemed appropriate by the Department, including the
13 imposition of fines not to exceed \$10,000 for each violation,
14 with regard to any license issued under the provisions of this
15 Act for any one or a combination of the following reasons:

16 (1) Conviction of, or entry of a plea of guilty or nolo
17 contendere to, any crime that is a felony under the laws of
18 the United States or any state or territory thereof or
19 that is a misdemeanor of which an essential element is
20 dishonesty, or any crime that is directly related to the
21 practice of the profession.

22 (2) Gross negligence in the rendering of clinical
23 psychological services.

24 (3) Using fraud or making any misrepresentation in

1 applying for a license or in passing the examination
2 provided for in this Act.

3 (4) Aiding or abetting or conspiring to aid or abet a
4 person, not a clinical psychologist licensed under this
5 Act, in representing himself or herself as so licensed or
6 in applying for a license under this Act.

7 (5) Violation of any provision of this Act or the
8 rules promulgated thereunder.

9 (6) Professional connection or association with any
10 person, firm, association, partnership or corporation
11 holding himself, herself, themselves, or itself out in any
12 manner contrary to this Act.

13 (7) Unethical, unauthorized, or unprofessional conduct
14 as defined by rule. In establishing those rules, the
15 Department shall consider, though is not bound by, the
16 ethical standards for psychologists promulgated by
17 recognized national psychology associations.

18 (8) Aiding or assisting another person in violating
19 any provisions of this Act or the rules promulgated
20 thereunder.

21 (9) Failing to provide, within 60 days, information in
22 response to a written request made by the Department.

23 (10) Habitual or excessive use or addiction to
24 alcohol, narcotics, stimulants, or any other chemical
25 agent or drug that results in a clinical psychologist's
26 inability to practice with reasonable judgment, skill, or

1 safety.

2 (11) Discipline by another state, territory, the
3 District of Columbia, or foreign country, if at least one
4 of the grounds for the discipline is the same or
5 substantially equivalent to those set forth herein.

6 (12) Directly or indirectly giving or receiving from
7 any person, firm, corporation, association, or partnership
8 any fee, commission, rebate, or other form of compensation
9 for any professional service not actually or personally
10 rendered. Nothing in this paragraph (12) affects any bona
11 fide independent contractor or employment arrangements
12 among health care professionals, health facilities, health
13 care providers, or other entities, except as otherwise
14 prohibited by law. Any employment arrangements may include
15 provisions for compensation, health insurance, pension, or
16 other employment benefits for the provision of services
17 within the scope of the licensee's practice under this
18 Act. Nothing in this paragraph (12) shall be construed to
19 require an employment arrangement to receive professional
20 fees for services rendered.

21 (13) A finding that the licensee, after having his or
22 her license placed on probationary status, has violated
23 the terms of probation.

24 (14) Willfully making or filing false records or
25 reports, including, but not limited to, false records or
26 reports filed with State agencies or departments.

1 (15) Physical illness, including, but not limited to,
2 deterioration through the aging process, mental illness,
3 or disability that results in the inability to practice
4 the profession with reasonable judgment, skill, and
5 safety.

6 (16) Willfully failing to report an instance of
7 suspected child abuse or neglect as required by the Abused
8 and Neglected Child Reporting Act.

9 (17) Being named as a perpetrator in an indicated
10 report by the Department of Children and Family Services
11 pursuant to the Abused and Neglected Child Reporting Act,
12 and upon proof by clear and convincing evidence that the
13 licensee has caused a child to be an abused child or
14 neglected child as defined in the Abused and Neglected
15 Child Reporting Act.

16 (18) Violation of the Health Care Worker Self-Referral
17 Act.

18 (19) Making a material misstatement in furnishing
19 information to the Department, any other State or federal
20 agency, or any other entity.

21 (20) Failing to report to the Department any adverse
22 judgment, settlement, or award arising from a liability
23 claim related to an act or conduct similar to an act or
24 conduct that would constitute grounds for action as set
25 forth in this Section.

26 (21) Failing to report to the Department any adverse

1 final action taken against a licensee or applicant by
2 another licensing jurisdiction, including any other state
3 or territory of the United States or any foreign state or
4 country, or any peer review body, health care institution,
5 professional society or association related to the
6 profession, governmental agency, law enforcement agency,
7 or court for an act or conduct similar to an act or conduct
8 that would constitute grounds for disciplinary action as
9 set forth in this Section.

10 (22) Prescribing, selling, administering,
11 distributing, giving, or self-administering (A) any drug
12 classified as a controlled substance (designated product)
13 for other than medically accepted therapeutic purposes or
14 (B) any narcotic drug.

15 (23) Violating State ~~state~~ or federal laws or
16 regulations relating to controlled substances, legend
17 drugs, or ephedra as defined in the Ephedra Prohibition
18 Act.

19 (24) Exceeding the terms of a collaborative agreement
20 or the prescriptive authority delegated to a licensee by
21 his or her collaborating physician or established under a
22 written collaborative agreement.

23 The entry of an order by any circuit court establishing
24 that any person holding a license under this Act is subject to
25 involuntary admission or judicial admission as provided for in
26 the Mental Health and Developmental Disabilities Code,

1 operates as an automatic suspension of that license. That
2 person may have his or her license restored only upon the
3 determination by a circuit court that the patient is no longer
4 subject to involuntary admission or judicial admission and the
5 issuance of an order so finding and discharging the patient
6 and upon the Board's recommendation to the Department that the
7 license be restored. Where the circumstances so indicate, the
8 Board may recommend to the Department that it require an
9 examination prior to restoring any license so automatically
10 suspended.

11 The Department shall refuse to issue or suspend the
12 license of any person who fails to file a return, or to pay the
13 tax, penalty, or interest shown in a filed return, or to pay
14 any final assessment of the tax, penalty, or interest, as
15 required by any tax Act administered by the Illinois
16 Department of Revenue, until such time as the requirements of
17 any such tax Act are satisfied.

18 In enforcing this Section, the Department or Board upon a
19 showing of a possible violation may compel any person licensed
20 to practice under this Act, or who has applied for licensure or
21 certification pursuant to this Act, to submit to a mental or
22 physical examination, or both, as required by and at the
23 expense of the Department. The examining physicians or
24 clinical psychologists shall be those specifically designated
25 by the Department. The Board or the Department may order the
26 examining physician or clinical psychologist to present

1 testimony concerning this mental or physical examination of
2 the licensee or applicant. No information shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communications between the licensee or applicant and the
5 examining physician or clinical psychologist. The person to be
6 examined may have, at his or her own expense, another
7 physician or clinical psychologist of his or her choice
8 present during all aspects of the examination. Failure of any
9 person to submit to a mental or physical examination, when
10 directed, shall be grounds for suspension of a license until
11 the person submits to the examination if the Department or
12 Board finds, after notice and hearing, that the refusal to
13 submit to the examination was without reasonable cause.

14 If the Department or Board finds a person unable to
15 practice because of the reasons set forth in this Section, the
16 Department or Board may require that person to submit to care,
17 counseling, or treatment by physicians or clinical
18 psychologists approved or designated by the Department, as a
19 condition, term, or restriction for continued, reinstated, or
20 renewed licensure to practice; or, in lieu of care,
21 counseling, or treatment, the Board may recommend to the
22 Department to file or the Department may file a complaint to
23 immediately suspend, revoke, or otherwise discipline the
24 license of the person. Any person whose license was granted,
25 continued, reinstated, renewed, disciplined, or supervised
26 subject to such terms, conditions, or restrictions, and who

1 fails to comply with such terms, conditions, or restrictions,
2 shall be referred to the Secretary for a determination as to
3 whether the person shall have his or her license suspended
4 immediately, pending a hearing by the Board.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that
7 person's license must be convened by the Board within 15 days
8 after the suspension and completed without appreciable delay.
9 The Board shall have the authority to review the subject
10 person's record of treatment and counseling regarding the
11 impairment, to the extent permitted by applicable federal
12 statutes and regulations safeguarding the confidentiality of
13 medical records.

14 A person licensed under this Act and affected under this
15 Section shall be afforded an opportunity to demonstrate to the
16 Board that he or she can resume practice in compliance with
17 acceptable and prevailing standards under the provisions of
18 his or her license.

19 (b) The Department shall not revoke, suspend, place on
20 probation, reprimand, refuse to issue or renew, or take any
21 other disciplinary or non-disciplinary action against a
22 person's authorization to practice ~~the license or permit~~
23 ~~issued~~ under this Act based solely upon the person licensed
24 ~~clinical psychologist~~ recommending, aiding, assisting,
25 referring for, or participating in any health care service, so
26 long as the care was not unlawful under the laws of this State,

1 regardless of whether the patient was a resident of this State
2 or another state.

3 (c) The Department shall not revoke, suspend, place on
4 prohibition, reprimand, refuse to issue or renew, or take any
5 other disciplinary or non-disciplinary action against a
6 person's authorization to practice ~~the license or permit~~
7 ~~issued~~ under this Act ~~to practice as a licensed clinical~~
8 ~~psychologist~~ based upon the person's ~~licensed clinical~~
9 ~~psychologist's~~ license, registration, or permit being revoked
10 or suspended, or the person ~~licensed clinical psychologist~~
11 being otherwise disciplined, by any other state, if that
12 revocation, suspension, or other form of discipline was based
13 solely on the person ~~licensed clinical psychologist~~ violating
14 another state's laws prohibiting the provision of,
15 authorization of, recommendation of, aiding or assisting in,
16 referring for, or participation in any health care service if
17 that health care service as provided would not have been
18 unlawful under the laws of this State and is consistent with
19 the applicable standard ~~standards~~ of conduct for a person
20 ~~licensed clinical psychologist~~ practicing in Illinois under
21 this Act.

22 (d) The conduct specified in subsections (b) and (c) shall
23 not constitute grounds for suspension under Section 21.6.

24 (e) The Department shall not revoke, suspend, summarily
25 suspend, place on prohibition, reprimand, refuse to issue or
26 renew, or take any other disciplinary or non-disciplinary

1 action against a person's authorization to practice the
2 ~~license or permit issued~~ under this Act ~~to practice as a~~
3 ~~licensed clinical psychologist~~ based solely upon the license,
4 registration, or permit of the a person licensed clinical
5 ~~psychologist~~ being suspended or revoked, or the person
6 ~~licensed clinical psychologist~~ being otherwise disciplined, by
7 any other state or territory other than Illinois for the
8 referral for or having otherwise participated in any health
9 care service, if the revocation, suspension, or other
10 disciplinary action was based solely on a violation of the
11 other state's law prohibiting such health care services in the
12 state, for a resident of the state, or in any other state.

13 (f) The Department may adopt rules to implement,
14 administer, and enforce this Section ~~the changes made by this~~
15 ~~amendatory Act of the 102nd General Assembly.~~

16 (Source: P.A. 102-1117, eff. 1-13-23.)

17 Section 15. The Clinical Social Work and Social Work
18 Practice Act is amended by changing Section 19 as follows:

19 (225 ILCS 20/19)

20 (Section scheduled to be repealed on January 1, 2028)

21 Sec. 19. Grounds for disciplinary action.

22 (1) The Department may refuse to issue or renew a license,
23 or may suspend, revoke, place on probation, reprimand, or take
24 any other disciplinary or non-disciplinary action deemed

1 appropriate by the Department, including the imposition of
2 fines not to exceed \$10,000 for each violation, with regard to
3 any license issued under the provisions of this Act for any one
4 or a combination of the following grounds:

5 (a) material misstatements in furnishing information
6 to the Department or to any other State agency or in
7 furnishing information to any insurance company with
8 respect to a claim on behalf of a licensee or a patient;

9 (b) violations or negligent or intentional disregard
10 of this Act, or any of the rules promulgated hereunder;

11 (c) conviction of or entry of a plea of guilty or nolo
12 contendere, finding of guilt, jury verdict, or entry of
13 judgment or sentencing, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States that is
17 (i) a felony or (ii) a misdemeanor, an essential element
18 of which is dishonesty, or that is directly related to the
19 practice of the clinical social work or social work
20 professions;

21 (d) fraud or misrepresentation in applying for or
22 procuring a license under this Act or in connection with
23 applying for renewal or restoration of a license under
24 this Act;

25 (e) professional incompetence;

26 (f) gross negligence in practice under this Act;

1 (g) aiding or assisting another person in violating
2 any provision of this Act or its rules;

3 (h) failing to provide information within 60 days in
4 response to a written request made by the Department;

5 (i) engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public as defined by the rules of the
8 Department, or violating the rules of professional conduct
9 adopted by the Department;

10 (j) habitual or excessive use or abuse of drugs
11 defined in law as controlled substances, of alcohol, or of
12 any other substances that results in the inability to
13 practice with reasonable judgment, skill, or safety;

14 (k) adverse action taken by another state or
15 jurisdiction, if at least one of the grounds for the
16 discipline is the same or substantially equivalent to
17 those set forth in this Section;

18 (l) directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership, or association
20 any fee, commission, rebate, or other form of compensation
21 for any professional service not actually rendered.
22 Nothing in this paragraph (l) affects any bona fide
23 independent contractor or employment arrangements among
24 health care professionals, health facilities, health care
25 providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the licensee's practice under this
4 Act. Nothing in this paragraph (l) shall be construed to
5 require an employment arrangement to receive professional
6 fees for services rendered;

7 (m) a finding by the Department that the licensee,
8 after having the license placed on probationary status,
9 has violated the terms of probation or failed to comply
10 with such terms;

11 (n) abandonment, without cause, of a client;

12 (o) willfully making or filing false records or
13 reports relating to a licensee's practice, including, but
14 not limited to, false records filed with federal ~~Federal~~
15 or State agencies or departments;

16 (p) willfully failing to report an instance of
17 suspected child abuse or neglect as required by the Abused
18 and Neglected Child Reporting Act;

19 (q) being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 under the Abused and Neglected Child Reporting Act, and
22 upon proof by clear and convincing evidence that the
23 licensee has caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act;

26 (r) physical illness, mental illness, or any other

1 impairment or disability, including, but not limited to,
2 deterioration through the aging process, or loss of motor
3 skills that results in the inability to practice the
4 profession with reasonable judgment, skill, or safety;

5 (s) solicitation of professional services by using
6 false or misleading advertising;

7 (t) violation of the Health Care Worker Self-Referral
8 Act;

9 (u) willfully failing to report an instance of
10 suspected abuse, neglect, financial exploitation, or
11 self-neglect of an eligible adult as defined in and
12 required by the Adult Protective Services Act; or

13 (v) being named as an abuser in a verified report by
14 the Department on Aging under the Adult Protective
15 Services Act, and upon proof by clear and convincing
16 evidence that the licensee abused, neglected, or
17 financially exploited an eligible adult as defined in the
18 Adult Protective Services Act.

19 (2) (Blank).

20 (3) The determination by a court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code, will result in an automatic suspension of the licensee's
24 license. Such suspension will end upon a finding by a court
25 that the licensee is no longer subject to involuntary
26 admission or judicial admission and issues an order so finding

1 and discharging the patient, and upon the recommendation of
2 the Board to the Secretary that the licensee be allowed to
3 resume professional practice.

4 (4) The Department shall refuse to issue or renew or may
5 suspend the license of a person who (i) fails to file a return,
6 pay the tax, penalty, or interest shown in a filed return, or
7 pay any final assessment of tax, penalty, or interest, as
8 required by any tax Act administered by the Department of
9 Revenue, until the requirements of the tax Act are satisfied
10 or (ii) has failed to pay any court-ordered child support as
11 determined by a court order or by referral from the Department
12 of Healthcare and Family Services.

13 (4.5) The Department shall not revoke, suspend, summarily
14 suspend, place on prohibition, reprimand, refuse to issue or
15 renew, or take any other disciplinary or non-disciplinary
16 action against a person's authorization to practice ~~license or~~
17 ~~permit issued~~ under this Act based solely upon the person
18 ~~licensed clinical social worker~~ authorizing, recommending,
19 aiding, assisting, referring for, or otherwise participating
20 in any health care service, so long as the care was not
21 unlawful under the laws of this State, regardless of whether
22 the patient was a resident of this State or another state.

23 (4.10) The Department shall not revoke, suspend, summarily
24 suspend, place on prohibition, reprimand, refuse to issue or
25 renew, or take any other disciplinary or non-disciplinary
26 action against a person's authorization to practice ~~the~~

1 ~~license or permit issued~~ under this Act ~~to practice as a~~
2 ~~licensed clinical social worker~~ based upon the person's
3 ~~licensed clinical social worker's~~ license, registration, or
4 permit being revoked or suspended, or the person ~~licensed~~
5 ~~clinical social worker~~ being otherwise disciplined, by any
6 other state, if that revocation, suspension, or other form of
7 discipline was based solely on the person ~~licensed clinical~~
8 ~~social worker~~ violating another state's laws prohibiting the
9 provision of, authorization of, recommendation of, aiding or
10 assisting in, referring for, or participation in any health
11 care service if that health care service as provided would not
12 have been unlawful under the laws of this State and is
13 consistent with the applicable standard ~~standards~~ of conduct
14 for a person ~~licensed clinical social worker~~ practicing in
15 Illinois under this Act.

16 (4.15) The conduct specified in subsection (4.5), (4.10),
17 (4.25), or (4.30) shall not constitute grounds for suspension
18 under Section 32.

19 (4.20) An applicant seeking licensure, certification, or
20 authorization pursuant to this Act who has been subject to
21 disciplinary action by a duly authorized professional
22 disciplinary agency of another jurisdiction solely on the
23 basis of having authorized, recommended, aided, assisted,
24 referred for, or otherwise participated in health care shall
25 not be denied such licensure, certification, or authorization,
26 unless the Department determines that such action would have

1 constituted professional misconduct in this State; however,
2 nothing in this Section shall be construed as prohibiting the
3 Department from evaluating the conduct of such applicant and
4 making a determination regarding the licensure, certification,
5 or authorization to practice a profession under this Act.

6 (4.25) The Department may not revoke, suspend, summarily
7 suspend, place on prohibition, reprimand, refuse to issue or
8 renew, or take any other disciplinary or non-disciplinary
9 action against a person's authorization to practice ~~license or~~
10 ~~permit issued~~ under this Act based solely upon an immigration
11 violation by the person ~~licensed clinical social worker~~.

12 (4.30) The Department may not revoke, suspend, summarily
13 suspend, place on prohibition, reprimand, refuse to issue or
14 renew, or take any other disciplinary or non-disciplinary
15 action against a person's authorization to practice ~~the~~
16 ~~license or permit issued~~ under this Act ~~to practice as a~~
17 ~~licensed clinical social worker~~ based upon the person's
18 ~~licensed clinical social worker's~~ license, registration, or
19 permit being revoked or suspended, or the person ~~licensed~~
20 ~~clinical social worker~~ being otherwise disciplined, by any
21 other state, if that revocation, suspension, or other form of
22 discipline was based solely upon an immigration violation by
23 the person ~~licensed clinical social worker~~.

24 (5) (a) In enforcing this Section, the Department or Board,
25 upon a showing of a possible violation, may compel a person
26 licensed to practice under this Act, or who has applied for

1 licensure under this Act, to submit to a mental or physical
2 examination, or both, which may include a substance abuse or
3 sexual offender evaluation, as required by and at the expense
4 of the Department.

5 (b) The Department shall specifically designate the
6 examining physician licensed to practice medicine in all of
7 its branches or, if applicable, the multidisciplinary team
8 involved in providing the mental or physical examination or
9 both. The multidisciplinary team shall be led by a physician
10 licensed to practice medicine in all of its branches and may
11 consist of one or more or a combination of physicians licensed
12 to practice medicine in all of its branches, licensed clinical
13 psychologists, licensed clinical social workers, licensed
14 clinical professional counselors, and other professional and
15 administrative staff. Any examining physician or member of the
16 multidisciplinary team may require any person ordered to
17 submit to an examination pursuant to this Section to submit to
18 any additional supplemental testing deemed necessary to
19 complete any examination or evaluation process, including, but
20 not limited to, blood testing, urinalysis, psychological
21 testing, or neuropsychological testing.

22 (c) The Board or the Department may order the examining
23 physician or any member of the multidisciplinary team to
24 present testimony concerning this mental or physical
25 examination of the licensee or applicant. No information,
26 report, record, or other documents in any way related to the

1 examination shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician or any
4 member of the multidisciplinary team. No authorization is
5 necessary from the licensee or applicant ordered to undergo an
6 examination for the examining physician or any member of the
7 multidisciplinary team to provide information, reports,
8 records, or other documents or to provide any testimony
9 regarding the examination and evaluation.

10 (d) The person to be examined may have, at the person's own
11 expense, another physician of the person's choice present
12 during all aspects of the examination. However, that physician
13 shall be present only to observe and may not interfere in any
14 way with the examination.

15 (e) Failure of any person to submit to a mental or physical
16 examination without reasonable cause, when ordered, shall
17 result in an automatic suspension of the person's license
18 until the person submits to the examination.

19 (f) If the Department or Board finds a person unable to
20 practice because of the reasons set forth in this Section, the
21 Department or Board may require that person to submit to care,
22 counseling, or treatment by physicians approved or designated
23 by the Department or Board, as a condition, term, or
24 restriction for continued, reinstated, or renewed licensure to
25 practice; or, in lieu of care, counseling or treatment, the
26 Department may file, or the Board may recommend to the

1 Department to file, a complaint to immediately suspend,
2 revoke, or otherwise discipline the license of the person. Any
3 person whose license was granted, continued, reinstated,
4 renewed, disciplined, or supervised subject to such terms,
5 conditions, or restrictions, and who fails to comply with such
6 terms, conditions, or restrictions, shall be referred to the
7 Secretary for a determination as to whether the person's
8 license shall be suspended immediately, pending a hearing by
9 the Department.

10 (g) All fines imposed shall be paid within 60 days after
11 the effective date of the order imposing the fine or in
12 accordance with the terms set forth in the order imposing the
13 fine.

14 In instances in which the Secretary immediately suspends a
15 person's license under this Section, a hearing on that
16 person's license must be convened by the Department within 30
17 days after the suspension and completed without appreciable
18 delay. The Department and Board shall have the authority to
19 review the subject person's record of treatment and counseling
20 regarding the impairment, to the extent permitted by
21 applicable federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 A person licensed under this Act and affected under this
24 Section shall be afforded an opportunity to demonstrate to the
25 Department or Board that the person can resume practice in
26 compliance with acceptable and prevailing standards under the

1 provisions of the person's license.

2 (h) The Department may adopt rules to implement,
3 administer, and enforce this Section ~~the changes made by this~~
4 ~~amendatory Act of the 102nd General Assembly.~~

5 (Source: P.A. 102-1117, eff. 1-13-23; 103-715, eff. 1-1-25;
6 103-1048, eff. 1-1-25; revised 11-26-24.)

7 Section 20. The Marriage and Family Therapy Licensing Act
8 is amended by changing Section 85 as follows:

9 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 85. Refusal, revocation, or suspension.

12 (a) The Department may refuse to issue or renew a license,
13 or may revoke, suspend, reprimand, place on probation, or take
14 any other disciplinary or non-disciplinary action as the
15 Department may deem proper, including the imposition of fines
16 not to exceed \$10,000 for each violation, with regard to any
17 license issued under the provisions of this Act for any one or
18 combination of the following grounds:

19 (1) Material misstatement in furnishing information to
20 the Department.

21 (2) Violation of any provision of this Act or its
22 rules.

23 (3) Conviction of or entry of a plea of guilty or nolo
24 contendere, finding of guilt, jury verdict, or entry of

1 judgment or sentencing, including, but not limited to,
2 convictions, preceding sentences of supervision,
3 conditional discharge, or first offender probation, under
4 the laws of any jurisdiction of the United States that is
5 (i) a felony or (ii) a misdemeanor, an essential element
6 of which is dishonesty or that is directly related to the
7 practice of the profession.

8 (4) Fraud or misrepresentation in applying for or
9 procuring a license under this Act or in connection with
10 applying for renewal or restoration of a license under
11 this Act or its rules.

12 (5) Professional incompetence.

13 (6) Gross negligence in practice under this Act.

14 (7) Aiding or assisting another person in violating
15 any provision of this Act or its rules.

16 (8) Failing, within 60 days, to provide information in
17 response to a written request made by the Department.

18 (9) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud or harm the public as defined by the rules of the
21 Department, or violating the rules of professional conduct
22 adopted by the Department.

23 (10) Habitual or excessive use or abuse of drugs
24 defined in law as controlled substances, of alcohol, or
25 any other substance that results in the inability to
26 practice with reasonable judgment, skill, or safety.

1 (11) Discipline by another jurisdiction if at least
2 one of the grounds for the discipline is the same or
3 substantially equivalent to those set forth in this Act.

4 (12) Directly or indirectly giving to or receiving
5 from any person, firm, corporation, partnership, or
6 association any fee, commission, rebate, or other form of
7 compensation for any professional services not actually or
8 personally rendered. Nothing in this paragraph (12)
9 affects any bona fide independent contractor or employment
10 arrangements among health care professionals, health
11 facilities, health care providers, or other entities,
12 except as otherwise prohibited by law. Any employment
13 arrangements may include provisions for compensation,
14 health insurance, pension, or other employment benefits
15 for the provision of services within the scope of the
16 licensee's practice under this Act. Nothing in this
17 paragraph (12) shall be construed to require an employment
18 arrangement to receive professional fees for services
19 rendered.

20 (13) A finding by the Department that the licensee,
21 after having his or her license placed on probationary
22 status, has violated the terms of probation or failed to
23 comply with the terms.

24 (14) Abandonment of a patient without cause.

25 (15) Willfully making or filing false records or
26 reports relating to a licensee's practice, including, but

1 not limited to, false records filed with State agencies or
2 departments.

3 (16) Willfully failing to report an instance of
4 suspected child abuse or neglect as required by the Abused
5 and Neglected Child Reporting Act.

6 (17) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act and
9 upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (18) Physical illness or mental illness or impairment,
14 including, but not limited to, deterioration through the
15 aging process or loss of motor skill that results in the
16 inability to practice the profession with reasonable
17 judgment, skill, or safety.

18 (19) Solicitation of professional services by using
19 false or misleading advertising.

20 (20) A pattern of practice or other behavior that
21 demonstrates incapacity or incompetence to practice under
22 this Act.

23 (21) Practicing under a false or assumed name, except
24 as provided by law.

25 (22) Gross, willful, and continued overcharging for
26 professional services, including filing false statements

1 for collection of fees or moneys for which services are
2 not rendered.

3 (23) Failure to establish and maintain records of
4 patient care and treatment as required by law.

5 (24) Cheating on or attempting to subvert the
6 licensing examinations administered under this Act.

7 (25) Willfully failing to report an instance of
8 suspected abuse, neglect, financial exploitation, or
9 self-neglect of an eligible adult as defined in and
10 required by the Adult Protective Services Act.

11 (26) Being named as an abuser in a verified report by
12 the Department on Aging and under the Adult Protective
13 Services Act and upon proof by clear and convincing
14 evidence that the licensee abused, neglected, or
15 financially exploited an eligible adult as defined in the
16 Adult Protective Services Act.

17 (b) (Blank).

18 (c) The determination by a circuit court that a licensee
19 is subject to involuntary admission or judicial admission, as
20 provided in the Mental Health and Developmental Disabilities
21 Code, operates as an automatic suspension. The suspension will
22 terminate only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission
24 and the issuance of an order so finding and discharging the
25 patient, and upon the recommendation of the Board to the
26 Secretary that the licensee be allowed to resume his or her

1 practice as a licensed marriage and family therapist or an
2 associate licensed marriage and family therapist.

3 (d) The Department shall refuse to issue or may suspend
4 the license of any person who fails to file a return, pay the
5 tax, penalty, or interest shown in a filed return or pay any
6 final assessment of tax, penalty, or interest, as required by
7 any tax Act administered by the Illinois Department of
8 Revenue, until the time the requirements of the tax Act are
9 satisfied.

10 (d-5) The Department shall not revoke, suspend, summarily
11 suspend, place on prohibition, reprimand, refuse to issue or
12 renew, or take any other disciplinary or non-disciplinary
13 action against a person's authorization to practice ~~the~~
14 ~~license or permit issued~~ under this Act ~~to practice as a~~
15 ~~marriage and family therapist or associate licensed marriage~~
16 ~~and family therapist~~ based solely upon the person ~~marriage and~~
17 ~~family therapist or associate licensed marriage and family~~
18 ~~therapist~~ authorizing, recommending, aiding, assisting,
19 referring for, or otherwise participating in any health care
20 service, so long as the care was not unlawful ~~Unlawful~~ under
21 the laws of this State, regardless of whether the patient was a
22 resident of this State or another state.

23 (d-10) The Department shall not revoke, suspend, summarily
24 suspend, place on prohibition, reprimand, refuse to issue or
25 renew, or take any other disciplinary or non-disciplinary
26 action against a person's authorization to practice ~~the~~

1 ~~license or permit issued~~ under this Act ~~to practice as a~~
2 ~~marriage and family therapist or associate licensed marriage~~
3 ~~and family therapist~~ based upon the person's marriage and
4 ~~family therapist's or associate licensed marriage and family~~
5 ~~therapist's~~ license, registration, or permit being revoked or
6 suspended, or the person marriage and family therapist or
7 ~~associate licensed marriage and family therapist~~ being
8 otherwise disciplined, by any other state, if that revocation,
9 suspension, or other form of discipline was based solely on
10 the person marriage and family therapist or associate licensed
11 ~~marriage and family therapist~~ violating another state's laws
12 prohibiting the provision of, authorization of, recommendation
13 of, aiding or assisting in, referring for, or participation in
14 any health care service if that health care service as
15 provided would not have been unlawful under the laws of this
16 State and is consistent with the applicable standard ~~standards~~
17 of conduct for a person marriage and family therapist or an
18 ~~associate licensed marriage and family therapist~~ practicing in
19 Illinois under this Act.

20 (d-15) The conduct specified in subsection (d-5), (d-10),
21 (d-25), or (d-30) shall not constitute grounds for suspension
22 under Section 145.

23 (d-20) An applicant seeking licensure, certification, or
24 authorization pursuant to this Act who has been subject to
25 disciplinary action by a duly authorized professional
26 disciplinary agency of another jurisdiction solely on the

1 basis of having authorized, recommended, aided, assisted,
2 referred for, or otherwise participated in health care shall
3 not be denied such licensure, certification, or authorization,
4 unless the Department determines that such action would have
5 constituted professional misconduct in this State; however,
6 nothing in this Section shall be construed as prohibiting the
7 Department from evaluating the conduct of such applicant and
8 making a determination regarding the licensure, certification,
9 or authorization to practice a profession under this Act.

10 (d-25) The Department may not revoke, suspend, summarily
11 suspend, place on prohibition, reprimand, refuse to issue or
12 renew, or take any other disciplinary or non-disciplinary
13 action against a person's authorization to practice ~~the~~
14 ~~license or permit~~ issued under this Act ~~to practice as a~~
15 ~~marriage and family therapist or associate licensed marriage~~
16 ~~and family therapist~~ based solely upon an immigration
17 violation by the person ~~marriage and family therapist or~~
18 ~~associate licensed marriage and family therapist~~.

19 (d-30) The Department may not revoke, suspend, summarily
20 suspend, place on prohibition, reprimand, refuse to issue or
21 renew, or take any other disciplinary or non-disciplinary
22 action against a person's authorization to practice ~~the~~
23 ~~license or permit~~ issued under this Act ~~to practice as a~~
24 ~~marriage and family therapist or associate licensed marriage~~
25 ~~and family therapist~~ based upon the person's ~~marriage and~~
26 ~~family therapist's or associate licensed marriage and family~~

1 ~~therapist's~~ license, registration, or permit being revoked or
2 suspended, or the person ~~marriage and family therapist or~~
3 ~~associate licensed marriage and family therapist~~ being
4 otherwise disciplined, by any other state, if that revocation,
5 suspension, or other form of discipline was based solely upon
6 an immigration violation by the person ~~marriage and family~~
7 ~~therapist or associate licensed marriage and family therapist.~~

8 (e) In enforcing this Section, the Department or Board
9 upon a showing of a possible violation may compel an
10 individual licensed to practice under this Act, or who has
11 applied for licensure under this Act, to submit to a mental or
12 physical examination, or both, which may include a substance
13 abuse or sexual offender evaluation, as required by and at the
14 expense of the Department.

15 The Department shall specifically designate the examining
16 physician licensed to practice medicine in all of its branches
17 or, if applicable, the multidisciplinary team involved in
18 providing the mental or physical examination or both. The
19 multidisciplinary team shall be led by a physician licensed to
20 practice medicine in all of its branches and may consist of one
21 or more or a combination of physicians licensed to practice
22 medicine in all of its branches, licensed clinical
23 psychologists, licensed clinical social workers, licensed
24 clinical professional counselors, licensed marriage and family
25 therapists, and other professional and administrative staff.
26 Any examining physician or member of the multidisciplinary

1 team may require any person ordered to submit to an
2 examination and evaluation pursuant to this Section to submit
3 to any additional supplemental testing deemed necessary to
4 complete any examination or evaluation process, including, but
5 not limited to, blood testing, urinalysis, psychological
6 testing, or neuropsychological testing.

7 The Department may order the examining physician or any
8 member of the multidisciplinary team to provide to the
9 Department any and all records, including business records,
10 that relate to the examination and evaluation, including any
11 supplemental testing performed.

12 The Department or Board may order the examining physician
13 or any member of the multidisciplinary team to present
14 testimony concerning the mental or physical examination of the
15 licensee or applicant. No information, report, record, or
16 other documents in any way related to the examination shall be
17 excluded by reason of any common law or statutory privilege
18 relating to communications between the licensee or applicant
19 and the examining physician or any member of the
20 multidisciplinary team. No authorization is necessary from the
21 licensee or applicant ordered to undergo an examination for
22 the examining physician or any member of the multidisciplinary
23 team to provide information, reports, records, or other
24 documents or to provide any testimony regarding the
25 examination and evaluation.

26 The individual to be examined may have, at his or her own

1 expense, another physician of his or her choice present during
2 all aspects of this examination. However, that physician shall
3 be present only to observe and may not interfere in any way
4 with the examination.

5 Failure of an individual to submit to a mental or physical
6 examination, when ordered, shall result in an automatic
7 suspension of his or her license until the individual submits
8 to the examination.

9 If the Department or Board finds an individual unable to
10 practice because of the reasons set forth in this Section, the
11 Department or Board may require that individual to submit to
12 care, counseling, or treatment by physicians approved or
13 designated by the Department or Board, as a condition, term,
14 or restriction for continued, reinstated, or renewed licensure
15 to practice; or, in lieu of care, counseling, or treatment,
16 the Department may file, or the Board may recommend to the
17 Department to file, a complaint to immediately suspend,
18 revoke, or otherwise discipline the license of the individual.
19 An individual whose license was granted, continued,
20 reinstated, renewed, disciplined, or supervised subject to
21 such terms, conditions, or restrictions, and who fails to
22 comply with such terms, conditions, or restrictions, shall be
23 referred to the Secretary for a determination as to whether
24 the individual shall have his or her license suspended
25 immediately, pending a hearing by the Department.

26 In instances in which the Secretary immediately suspends a

1 person's license under this Section, a hearing on that
2 person's license must be convened by the Department within 30
3 days after the suspension and completed without appreciable
4 delay. The Department and Board shall have the authority to
5 review the subject individual's record of treatment and
6 counseling regarding the impairment to the extent permitted by
7 applicable federal statutes and regulations safeguarding the
8 confidentiality of medical records.

9 An individual licensed under this Act and affected under
10 this Section shall be afforded an opportunity to demonstrate
11 to the Department or Board that he or she can resume practice
12 in compliance with acceptable and prevailing standards under
13 the provisions of his or her license.

14 (f) A fine shall be paid within 60 days after the effective
15 date of the order imposing the fine or in accordance with the
16 terms set forth in the order imposing the fine.

17 (g) The Department may adopt rules to implement,
18 administer, and enforce this Section ~~the changes made by this~~
19 ~~amendatory Act of the 102nd General Assembly.~~

20 (Source: P.A. 102-1117, eff. 1-13-23; 103-715, eff. 1-1-25.)

21 Section 25. The Medical Practice Act of 1987 is amended by
22 changing Sections 22 and 23 as follows:

23 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

24 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 22. Disciplinary action.

2 (A) The Department may revoke, suspend, place on
3 probation, reprimand, refuse to issue or renew, or take any
4 other disciplinary or non-disciplinary action as the
5 Department may deem proper with regard to the license or
6 permit of any person issued under this Act, including imposing
7 fines not to exceed \$10,000 for each violation, upon any of the
8 following grounds:

9 (1) (Blank).

10 (2) (Blank).

11 (3) A plea of guilty or nolo contendere, finding of
12 guilt, jury verdict, or entry of judgment or sentencing,
13 including, but not limited to, convictions, preceding
14 sentences of supervision, conditional discharge, or first
15 offender probation, under the laws of any jurisdiction of
16 the United States of any crime that is a felony.

17 (4) Gross negligence in practice under this Act.

18 (5) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (6) Obtaining any fee by fraud, deceit, or
22 misrepresentation.

23 (7) Habitual or excessive use or abuse of drugs
24 defined in law as controlled substances, of alcohol, or of
25 any other substances which results in the inability to
26 practice with reasonable judgment, skill, or safety.

1 (8) Practicing under a false or, except as provided by
2 law, an assumed name.

3 (9) Fraud or misrepresentation in applying for, or
4 procuring, a license under this Act or in connection with
5 applying for renewal of a license under this Act.

6 (10) Making a false or misleading statement regarding
7 their skill or the efficacy or value of the medicine,
8 treatment, or remedy prescribed by them at their direction
9 in the treatment of any disease or other condition of the
10 body or mind.

11 (11) Allowing another person or organization to use
12 their license, procured under this Act, to practice.

13 (12) Adverse action taken by another state or
14 jurisdiction against a license or other authorization to
15 practice as a medical doctor, doctor of osteopathy, doctor
16 of osteopathic medicine, or doctor of chiropractic, a
17 certified copy of the record of the action taken by the
18 other state or jurisdiction being prima facie evidence
19 thereof. This includes any adverse action taken by a State
20 or federal agency that prohibits a medical doctor, doctor
21 of osteopathy, doctor of osteopathic medicine, or doctor
22 of chiropractic from providing services to the agency's
23 participants.

24 (13) Violation of any provision of this Act or of the
25 Medical Practice Act prior to the repeal of that Act, or
26 violation of the rules, or a final administrative action

1 of the Secretary, after consideration of the
2 recommendation of the Medical Board.

3 (14) Violation of the prohibition against fee
4 splitting in Section 22.2 of this Act.

5 (15) A finding by the Medical Board that the
6 registrant after having his or her license placed on
7 probationary status or subjected to conditions or
8 restrictions violated the terms of the probation or failed
9 to comply with such terms or conditions.

10 (16) Abandonment of a patient.

11 (17) Prescribing, selling, administering,
12 distributing, giving, or self-administering any drug
13 classified as a controlled substance (designated product)
14 or narcotic for other than medically accepted therapeutic
15 purposes.

16 (18) Promotion of the sale of drugs, devices,
17 appliances, or goods provided for a patient in such manner
18 as to exploit the patient for financial gain of the
19 physician.

20 (19) Offering, undertaking, or agreeing to cure or
21 treat disease by a secret method, procedure, treatment, or
22 medicine, or the treating, operating, or prescribing for
23 any human condition by a method, means, or procedure which
24 the licensee refuses to divulge upon demand of the
25 Department.

26 (20) Immoral conduct in the commission of any act,

1 including, but not limited to, commission of an act of
2 sexual misconduct related to the licensee's practice.

3 (21) Willfully making or filing false records or
4 reports in his or her practice as a physician, including,
5 but not limited to, false records to support claims
6 against the medical assistance program of the Department
7 of Healthcare and Family Services (formerly Department of
8 Public Aid) under the Illinois Public Aid Code.

9 (22) Willful omission to file or record, or willfully
10 impeding the filing or recording, or inducing another
11 person to omit to file or record, medical reports as
12 required by law, or willfully failing to report an
13 instance of suspected abuse or neglect as required by law.

14 (23) Being named as a perpetrator in an indicated
15 report by the Department of Children and Family Services
16 under the Abused and Neglected Child Reporting Act, and
17 upon proof by clear and convincing evidence that the
18 licensee has caused a child to be an abused child or
19 neglected child as defined in the Abused and Neglected
20 Child Reporting Act.

21 (24) Solicitation of professional patronage by any
22 corporation, agents, or persons, or profiting from those
23 representing themselves to be agents of the licensee.

24 (25) Gross and willful and continued overcharging for
25 professional services, including filing false statements
26 for collection of fees for which services are not

1 rendered, including, but not limited to, filing such false
2 statements for collection of monies for services not
3 rendered from the medical assistance program of the
4 Department of Healthcare and Family Services (formerly
5 Department of Public Aid) under the Illinois Public Aid
6 Code.

7 (26) A pattern of practice or other behavior which
8 demonstrates incapacity or incompetence to practice under
9 this Act.

10 (27) Mental illness or disability which results in the
11 inability to practice under this Act with reasonable
12 judgment, skill, or safety.

13 (28) Physical illness, including, but not limited to,
14 deterioration through the aging process, or loss of motor
15 skill which results in a physician's inability to practice
16 under this Act with reasonable judgment, skill, or safety.

17 (29) Cheating on or attempting to subvert the
18 licensing examinations administered under this Act.

19 (30) Willfully or negligently violating the
20 confidentiality between physician and patient except as
21 required by law.

22 (31) The use of any false, fraudulent, or deceptive
23 statement in any document connected with practice under
24 this Act.

25 (32) Aiding and abetting an individual not licensed
26 under this Act in the practice of a profession licensed

1 under this Act.

2 (33) Violating State or federal laws or regulations
3 relating to controlled substances, legend drugs, or
4 ephedra as defined in the Ephedra Prohibition Act.

5 (34) Failure to report to the Department any adverse
6 final action taken against them by another licensing
7 jurisdiction (any other state or any territory of the
8 United States or any foreign state or country), by any
9 peer review body, by any health care institution, by any
10 professional society or association related to practice
11 under this Act, by any governmental agency, by any law
12 enforcement agency, or by any court for acts or conduct
13 similar to acts or conduct which would constitute grounds
14 for action as defined in this Section.

15 (35) Failure to report to the Department surrender of
16 a license or authorization to practice as a medical
17 doctor, a doctor of osteopathy, a doctor of osteopathic
18 medicine, or doctor of chiropractic in another state or
19 jurisdiction, or surrender of membership on any medical
20 staff or in any medical or professional association or
21 society, while under disciplinary investigation by any of
22 those authorities or bodies, for acts or conduct similar
23 to acts or conduct which would constitute grounds for
24 action as defined in this Section.

25 (36) Failure to report to the Department any adverse
26 judgment, settlement, or award arising from a liability

1 claim related to acts or conduct similar to acts or
2 conduct which would constitute grounds for action as
3 defined in this Section.

4 (37) Failure to provide copies of medical records as
5 required by law.

6 (38) Failure to furnish the Department, its
7 investigators or representatives, relevant information,
8 legally requested by the Department after consultation
9 with the Chief Medical Coordinator or the Deputy Medical
10 Coordinator.

11 (39) Violating the Health Care Worker Self-Referral
12 Act.

13 (40) (Blank).

14 (41) Failure to establish and maintain records of
15 patient care and treatment as required by this law.

16 (42) Entering into an excessive number of written
17 collaborative agreements with licensed advanced practice
18 registered nurses resulting in an inability to adequately
19 collaborate.

20 (43) Repeated failure to adequately collaborate with a
21 licensed advanced practice registered nurse.

22 (44) Violating the Compassionate Use of Medical
23 Cannabis Program Act.

24 (45) Entering into an excessive number of written
25 collaborative agreements with licensed prescribing
26 psychologists resulting in an inability to adequately

1 collaborate.

2 (46) Repeated failure to adequately collaborate with a
3 licensed prescribing psychologist.

4 (47) Willfully failing to report an instance of
5 suspected abuse, neglect, financial exploitation, or
6 self-neglect of an eligible adult as defined in and
7 required by the Adult Protective Services Act.

8 (48) Being named as an abuser in a verified report by
9 the Department on Aging under the Adult Protective
10 Services Act, and upon proof by clear and convincing
11 evidence that the licensee abused, neglected, or
12 financially exploited an eligible adult as defined in the
13 Adult Protective Services Act.

14 (49) Entering into an excessive number of written
15 collaborative agreements with licensed physician
16 assistants resulting in an inability to adequately
17 collaborate.

18 (50) Repeated failure to adequately collaborate with a
19 physician assistant.

20 Except for actions involving the ground numbered (26), all
21 proceedings to suspend, revoke, place on probationary status,
22 or take any other disciplinary action as the Department may
23 deem proper, with regard to a license on any of the foregoing
24 grounds, must be commenced within 5 years next after receipt
25 by the Department of a complaint alleging the commission of or
26 notice of the conviction order for any of the acts described

1 herein. Except for the grounds numbered (8), (9), (26), and
2 (29), no action shall be commenced more than 10 years after the
3 date of the incident or act alleged to have violated this
4 Section. For actions involving the ground numbered (26), a
5 pattern of practice or other behavior includes all incidents
6 alleged to be part of the pattern of practice or other behavior
7 that occurred, or a report pursuant to Section 23 of this Act
8 received, within the 10-year period preceding the filing of
9 the complaint. In the event of the settlement of any claim or
10 cause of action in favor of the claimant or the reduction to
11 final judgment of any civil action in favor of the plaintiff,
12 such claim, cause of action, or civil action being grounded on
13 the allegation that a person licensed under this Act was
14 negligent in providing care, the Department shall have an
15 additional period of 2 years from the date of notification to
16 the Department under Section 23 of this Act of such settlement
17 or final judgment in which to investigate and commence formal
18 disciplinary proceedings under Section 36 of this Act, except
19 as otherwise provided by law. The time during which the holder
20 of the license was outside the State of Illinois shall not be
21 included within any period of time limiting the commencement
22 of disciplinary action by the Department.

23 The entry of an order or judgment by any circuit court
24 establishing that any person holding a license under this Act
25 is a person in need of mental treatment operates as a
26 suspension of that license. That person may resume his or her

1 practice only upon the entry of a Departmental order based
2 upon a finding by the Medical Board that the person has been
3 determined to be recovered from mental illness by the court
4 and upon the Medical Board's recommendation that the person be
5 permitted to resume his or her practice.

6 The Department may refuse to issue or take disciplinary
7 action concerning the license of any person who fails to file a
8 return, or to pay the tax, penalty, or interest shown in a
9 filed return, or to pay any final assessment of tax, penalty,
10 or interest, as required by any tax Act administered by the
11 Illinois Department of Revenue, until such time as the
12 requirements of any such tax Act are satisfied as determined
13 by the Illinois Department of Revenue.

14 The Department, upon the recommendation of the Medical
15 Board, shall adopt rules which set forth standards to be used
16 in determining:

17 (a) when a person will be deemed sufficiently
18 rehabilitated to warrant the public trust;

19 (b) what constitutes dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public;

22 (c) what constitutes immoral conduct in the commission
23 of any act, including, but not limited to, commission of
24 an act of sexual misconduct related to the licensee's
25 practice; and

26 (d) what constitutes gross negligence in the practice

1 of medicine.

2 However, no such rule shall be admissible into evidence in
3 any civil action except for review of a licensing or other
4 disciplinary action under this Act.

5 In enforcing this Section, the Medical Board, upon a
6 showing of a possible violation, may compel any individual who
7 is licensed to practice under this Act or holds a permit to
8 practice under this Act, or any individual who has applied for
9 licensure or a permit pursuant to this Act, to submit to a
10 mental or physical examination and evaluation, or both, which
11 may include a substance abuse or sexual offender evaluation,
12 as required by the Medical Board and at the expense of the
13 Department. The Medical Board shall specifically designate the
14 examining physician licensed to practice medicine in all of
15 its branches or, if applicable, the multidisciplinary team
16 involved in providing the mental or physical examination and
17 evaluation, or both. The multidisciplinary team shall be led
18 by a physician licensed to practice medicine in all of its
19 branches and may consist of one or more or a combination of
20 physicians licensed to practice medicine in all of its
21 branches, licensed chiropractic physicians, licensed clinical
22 psychologists, licensed clinical social workers, licensed
23 clinical professional counselors, and other professional and
24 administrative staff. Any examining physician or member of the
25 multidisciplinary team may require any person ordered to
26 submit to an examination and evaluation pursuant to this

1 Section to submit to any additional supplemental testing
2 deemed necessary to complete any examination or evaluation
3 process, including, but not limited to, blood testing,
4 urinalysis, psychological testing, or neuropsychological
5 testing. The Medical Board or the Department may order the
6 examining physician or any member of the multidisciplinary
7 team to provide to the Department or the Medical Board any and
8 all records, including business records, that relate to the
9 examination and evaluation, including any supplemental testing
10 performed. The Medical Board or the Department may order the
11 examining physician or any member of the multidisciplinary
12 team to present testimony concerning this examination and
13 evaluation of the licensee, permit holder, or applicant,
14 including testimony concerning any supplemental testing or
15 documents relating to the examination and evaluation. No
16 information, report, record, or other documents in any way
17 related to the examination and evaluation shall be excluded by
18 reason of any common law or statutory privilege relating to
19 communication between the licensee, permit holder, or
20 applicant and the examining physician or any member of the
21 multidisciplinary team. No authorization is necessary from the
22 licensee, permit holder, or applicant ordered to undergo an
23 evaluation and examination for the examining physician or any
24 member of the multidisciplinary team to provide information,
25 reports, records, or other documents or to provide any
26 testimony regarding the examination and evaluation. The

1 individual to be examined may have, at his or her own expense,
2 another physician of his or her choice present during all
3 aspects of the examination. Failure of any individual to
4 submit to mental or physical examination and evaluation, or
5 both, when directed, shall result in an automatic suspension,
6 without hearing, until such time as the individual submits to
7 the examination. If the Medical Board finds a physician unable
8 to practice following an examination and evaluation because of
9 the reasons set forth in this Section, the Medical Board shall
10 require such physician to submit to care, counseling, or
11 treatment by physicians, or other health care professionals,
12 approved or designated by the Medical Board, as a condition
13 for issued, continued, reinstated, or renewed licensure to
14 practice. Any physician, whose license was granted pursuant to
15 Section 9, 17, or 19 of this Act, or, continued, reinstated,
16 renewed, disciplined, or supervised, subject to such terms,
17 conditions, or restrictions who shall fail to comply with such
18 terms, conditions, or restrictions, or to complete a required
19 program of care, counseling, or treatment, as determined by
20 the Chief Medical Coordinator or Deputy Medical Coordinators,
21 shall be referred to the Secretary for a determination as to
22 whether the licensee shall have his or her license suspended
23 immediately, pending a hearing by the Medical Board. In
24 instances in which the Secretary immediately suspends a
25 license under this Section, a hearing upon such person's
26 license must be convened by the Medical Board within 15 days

1 after such suspension and completed without appreciable delay.
2 The Medical Board shall have the authority to review the
3 subject physician's record of treatment and counseling
4 regarding the impairment, to the extent permitted by
5 applicable federal statutes and regulations safeguarding the
6 confidentiality of medical records.

7 An individual licensed under this Act, affected under this
8 Section, shall be afforded an opportunity to demonstrate to
9 the Medical Board that he or she can resume practice in
10 compliance with acceptable and prevailing standards under the
11 provisions of his or her license.

12 The Medical Board, in determining mental capacity of an
13 individual licensed under this Act, shall consider the latest
14 recommendations of the Federation of State Medical Boards.

15 The Department may promulgate rules for the imposition of
16 fines in disciplinary cases, not to exceed \$10,000 for each
17 violation of this Act. Fines may be imposed in conjunction
18 with other forms of disciplinary action, but shall not be the
19 exclusive disposition of any disciplinary action arising out
20 of conduct resulting in death or injury to a patient. Any funds
21 collected from such fines shall be deposited in the Illinois
22 State Medical Disciplinary Fund.

23 All fines imposed under this Section shall be paid within
24 60 days after the effective date of the order imposing the fine
25 or in accordance with the terms set forth in the order imposing
26 the fine.

1 (B) The Department shall revoke the license or permit
2 issued under this Act to practice medicine of ~~or~~ a
3 chiropractic physician who has been convicted a second time of
4 committing any felony under the Illinois Controlled Substances
5 Act or the Methamphetamine Control and Community Protection
6 Act, or who has been convicted a second time of committing a
7 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
8 Public Aid Code. A person whose license or permit is revoked
9 under this subsection (B) ~~B~~ shall be prohibited from
10 practicing medicine or treating human ailments without the use
11 of drugs and without operative surgery.

12 (C) The Department shall not revoke, suspend, place on
13 probation, reprimand, refuse to issue or renew, or take any
14 other disciplinary or non-disciplinary action against a
15 person's authorization to practice ~~the license or permit~~
16 ~~issued under this Act to practice medicine to a physician:~~

17 (1) based solely upon the recommendation of the person
18 ~~physician~~ to an eligible patient regarding, or
19 prescription for, or treatment with, an investigational
20 drug, biological product, or device;

21 (2) for experimental treatment for Lyme disease or
22 other tick-borne diseases, including, but not limited to,
23 the prescription of or treatment with long-term
24 antibiotics;

25 (3) based solely upon the person ~~physician~~ providing,
26 authorizing, recommending, aiding, assisting, referring

1 for, or otherwise participating in any health care
2 service, so long as the care was not unlawful under the
3 laws of this State, regardless of whether the patient was
4 a resident of this State or another state; or

5 (4) based upon the person's ~~physician's~~ license,
6 registration, or permit being revoked or suspended, or the
7 person ~~physician~~ being otherwise disciplined, by any other
8 state, if that revocation, suspension, or other form of
9 discipline was based solely on the person ~~physician~~
10 violating another state's laws prohibiting the provision
11 of, authorization of, recommendation of, aiding or
12 assisting in, referring for, or participation in any
13 health care service if that health care service as
14 provided would not have been unlawful under the laws of
15 this State and is consistent with the applicable standard
16 ~~standards~~ of conduct for the person practicing in Illinois
17 under this Act ~~physician if it occurred in Illinois.~~

18 (D) (Blank).

19 (E) The conduct specified in subsection (C) shall not
20 trigger reporting requirements under Section 23, constitute
21 grounds for suspension under Section 25, or be included on the
22 physician's profile required under Section 10 of the Patients'
23 Right to Know Act.

24 (F) An applicant seeking licensure, certification, or
25 authorization pursuant to this Act and who has been subject to
26 disciplinary action by a duly authorized professional

1 disciplinary agency of another jurisdiction solely on the
2 basis of having provided, authorized, recommended, aided,
3 assisted, referred for, or otherwise participated in health
4 care shall not be denied such licensure, certification, or
5 authorization, unless the Department determines that the
6 action would have constituted professional misconduct in this
7 State; however, nothing in this Section shall be construed as
8 prohibiting the Department from evaluating the conduct of the
9 applicant and making a determination regarding the licensure,
10 certification, or authorization to practice a profession under
11 this Act.

12 (G) The Department may adopt rules to implement,
13 administer, and enforce this Section ~~the changes made by this~~
14 ~~amendatory Act of the 102nd General Assembly.~~

15 (Source: P.A. 102-20, eff. 1-1-22; 102-558, eff. 8-20-21;
16 102-813, eff. 5-13-22; 102-1117, eff. 1-13-23; 103-442, eff.
17 1-1-24; revised 10-22-24.)

18 (225 ILCS 60/23) (from Ch. 111, par. 4400-23)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 23. Reports relating to professional conduct and
21 capacity.

22 (A) Entities required to report.

23 (1) Health care institutions. The chief administrator
24 or executive officer of any health care institution
25 licensed by the Illinois Department of Public Health shall

1 report to the Medical Board when any person's clinical
2 privileges are terminated or are restricted based on a
3 final determination made in accordance with that
4 institution's by-laws or rules and regulations that a
5 person has either committed an act or acts which may
6 directly threaten patient care or that a person may have a
7 mental or physical disability that may endanger patients
8 under that person's care. Such officer also shall report
9 if a person accepts voluntary termination or restriction
10 of clinical privileges in lieu of formal action based upon
11 conduct related directly to patient care or in lieu of
12 formal action seeking to determine whether a person may
13 have a mental or physical disability that may endanger
14 patients under that person's care. The Medical Board
15 shall, by rule, provide for the reporting to it by health
16 care institutions of all instances in which a person,
17 licensed under this Act, who is impaired by reason of age,
18 drug or alcohol abuse, or physical or mental impairment,
19 is under supervision and, where appropriate, is in a
20 program of rehabilitation. Such reports shall be strictly
21 confidential and may be reviewed and considered only by
22 the members of the Medical Board, or by authorized staff
23 as provided by rules of the Medical Board. Provisions
24 shall be made for the periodic report of the status of any
25 such person not less than twice annually in order that the
26 Medical Board shall have current information upon which to

1 determine the status of any such person. Such initial and
2 periodic reports of impaired physicians shall not be
3 considered records within the meaning of the State Records
4 Act and shall be disposed of, following a determination by
5 the Medical Board that such reports are no longer
6 required, in a manner and at such time as the Medical Board
7 shall determine by rule. The filing of such reports shall
8 be construed as the filing of a report for purposes of
9 subsection (C) of this Section. Such health care
10 institution shall not take any adverse action, including,
11 but not limited to, restricting or terminating any
12 person's clinical privileges, as a result of an adverse
13 action against a person's license, registration, permit,
14 or clinical privileges or other disciplinary action by
15 another state or health care institution that resulted
16 from the person's provision of, authorization of,
17 recommendation of, aiding or assistance with, referral
18 for, or participation in any health care service if the
19 adverse action was based solely on a violation of the
20 other state's law prohibiting the provision of such health
21 care and related services in the state or for a resident of
22 the state if that health care service would not have been
23 unlawful under the laws of this State and is consistent
24 with the applicable standard ~~standards~~ of conduct for a
25 person practicing in Illinois under this Act ~~physicians~~
26 ~~practicing in Illinois.~~

1 (1.5) Clinical training programs. The program director
2 of any post-graduate clinical training program shall
3 report to the Medical Board if a person engaged in a
4 post-graduate clinical training program at the
5 institution, including, but not limited to, a residency or
6 fellowship, separates from the program for any reason
7 prior to its conclusion. The program director shall
8 provide all documentation relating to the separation if,
9 after review of the report, the Medical Board determines
10 that a review of those documents is necessary to determine
11 whether a violation of this Act occurred.

12 (2) Professional associations. The President or chief
13 executive officer of any association or society, of
14 persons licensed under this Act, operating within this
15 State shall report to the Medical Board when the
16 association or society renders a final determination that
17 a person has committed unprofessional conduct related
18 directly to patient care or that a person may have a mental
19 or physical disability that may endanger patients under
20 that person's care.

21 (3) Professional liability insurers. Every insurance
22 company which offers policies of professional liability
23 insurance to persons licensed under this Act, or any other
24 entity which seeks to indemnify the professional liability
25 of a person licensed under this Act, shall report to the
26 Medical Board the settlement of any claim or cause of

1 action, or final judgment rendered in any cause of action,
2 which alleged negligence in the furnishing of medical care
3 by such licensed person when such settlement or final
4 judgment is in favor of the plaintiff. Such insurance
5 company shall not take any adverse action, including, but
6 not limited to, denial or revocation of coverage, or rate
7 increases, against a person authorized to practice
8 ~~licensed~~ under this Act with respect to coverage for
9 services provided in the State if based solely on the
10 person providing, authorizing, recommending, aiding,
11 assisting, referring for, or otherwise participating in
12 health care services in this State in violation of another
13 state's law, or a revocation or other adverse action
14 against the person's license, registration, or permit in
15 another state for violation of such law if that health
16 care service as provided would have been lawful and
17 consistent with the applicable standard ~~standards~~ of
18 conduct for a person practicing in Illinois under this Act
19 ~~physicians if it occurred in the State~~. Notwithstanding
20 this provision, it is against public policy to require
21 coverage for an illegal action.

22 (4) State's Attorneys. The State's Attorney of each
23 county shall report to the Medical Board, within 5 days,
24 any instances in which a person licensed under this Act is
25 convicted of any felony or Class A misdemeanor.

26 (5) State agencies. All agencies, boards, commissions,

1 departments, or other instrumentalities of the government
2 of the State of Illinois shall report to the Medical Board
3 any instance arising in connection with the operations of
4 such agency, including the administration of any law by
5 such agency, in which a person licensed under this Act has
6 either committed an act or acts which may be a violation of
7 this Act or which may constitute unprofessional conduct
8 related directly to patient care or which indicates that a
9 person licensed under this Act may have a mental or
10 physical disability that may endanger patients under that
11 person's care.

12 (B) Mandatory reporting. All reports required by items
13 (34), (35), and (36) of subsection (A) of Section 22 and by
14 this Section 23 shall be submitted to the Medical Board in a
15 timely fashion. Unless otherwise provided in this Section, the
16 reports shall be filed in writing within 60 days after a
17 determination that a report is required under this Act. All
18 reports shall contain the following information:

19 (1) The name, address, and telephone number of the
20 person making the report.

21 (2) The name, address, and telephone number of the
22 person who is the subject of the report.

23 (3) The name and date of birth of any patient or
24 patients whose treatment is a subject of the report, if
25 available, or other means of identification if such
26 information is not available, identification of the

1 hospital or other health care ~~healthcare~~ facility where
2 the care at issue in the report was rendered, provided,
3 however, no medical records may be revealed.

4 (4) A brief description of the facts which gave rise
5 to the issuance of the report, including the dates of any
6 occurrences deemed to necessitate the filing of the
7 report.

8 (5) If court action is involved, the identity of the
9 court in which the action is filed, along with the docket
10 number and date of filing of the action.

11 (6) Any further pertinent information which the
12 reporting party deems to be an aid in the evaluation of the
13 report.

14 The Medical Board or Department may also exercise the
15 power under Section 38 of this Act to subpoena copies of
16 hospital or medical records in mandatory report cases alleging
17 death or permanent bodily injury. Appropriate rules shall be
18 adopted by the Department with the approval of the Medical
19 Board.

20 When the Department has received written reports
21 concerning incidents required to be reported in items (34),
22 (35), and (36) of subsection (A) of Section 22, the licensee's
23 failure to report the incident to the Department under those
24 items shall not be the sole grounds for disciplinary action.

25 Nothing contained in this Section shall act to, in any
26 way, waive or modify the confidentiality of medical reports

1 and committee reports to the extent provided by law. Any
2 information reported or disclosed shall be kept for the
3 confidential use of the Medical Board, the Medical
4 Coordinators, the Medical Board's attorneys, the medical
5 investigative staff, and authorized clerical staff, as
6 provided in this Act, and shall be afforded the same status as
7 is provided information concerning medical studies in Part 21
8 of Article VIII of the Code of Civil Procedure, except that the
9 Department may disclose information and documents to a
10 federal, State, or local law enforcement agency pursuant to a
11 subpoena in an ongoing criminal investigation or to a health
12 care licensing body or medical licensing authority of this
13 State or another state or jurisdiction pursuant to an official
14 request made by that licensing body or medical licensing
15 authority. Furthermore, information and documents disclosed to
16 a federal, State, or local law enforcement agency may be used
17 by that agency only for the investigation and prosecution of a
18 criminal offense, or, in the case of disclosure to a health
19 care licensing body or medical licensing authority, only for
20 investigations and disciplinary action proceedings with regard
21 to a license. Information and documents disclosed to the
22 Department of Public Health may be used by that Department
23 only for investigation and disciplinary action regarding the
24 license of a health care institution licensed by the
25 Department of Public Health.

26 (C) Immunity from prosecution. Any individual or

1 organization acting in good faith, and not in a wilful and
2 wanton manner, in complying with this Act by providing any
3 report or other information to the Medical Board or a peer
4 review committee, or assisting in the investigation or
5 preparation of such information, or by voluntarily reporting
6 to the Medical Board or a peer review committee information
7 regarding alleged errors or negligence by a person licensed
8 under this Act, or by participating in proceedings of the
9 Medical Board or a peer review committee, or by serving as a
10 member of the Medical Board or a peer review committee, shall
11 not, as a result of such actions, be subject to criminal
12 prosecution or civil damages.

13 (D) Indemnification. Members of the Medical Board, the
14 Medical Coordinators, the Medical Board's attorneys, the
15 medical investigative staff, physicians retained under
16 contract to assist and advise the medical coordinators in the
17 investigation, and authorized clerical staff shall be
18 indemnified by the State for any actions occurring within the
19 scope of services on the Medical Board, done in good faith and
20 not wilful and wanton in nature. The Attorney General shall
21 defend all such actions unless he or she determines either
22 that there would be a conflict of interest in such
23 representation or that the actions complained of were not in
24 good faith or were wilful and wanton.

25 Should the Attorney General decline representation, the
26 member shall have the right to employ counsel of his or her

1 choice, whose fees shall be provided by the State, after
2 approval by the Attorney General, unless there is a
3 determination by a court that the member's actions were not in
4 good faith or were wilful and wanton.

5 The member must notify the Attorney General within 7 days
6 of receipt of notice of the initiation of any action involving
7 services of the Medical Board. Failure to so notify the
8 Attorney General shall constitute an absolute waiver of the
9 right to a defense and indemnification.

10 The Attorney General shall determine within 7 days after
11 receiving such notice, whether he or she will undertake to
12 represent the member.

13 (E) Deliberations of Medical Board. Upon the receipt of
14 any report called for by this Act, other than those reports of
15 impaired persons licensed under this Act required pursuant to
16 the rules of the Medical Board, the Medical Board shall notify
17 in writing, by mail or email, the person who is the subject of
18 the report. Such notification shall be made within 30 days of
19 receipt by the Medical Board of the report.

20 The notification shall include a written notice setting
21 forth the person's right to examine the report. Included in
22 such notification shall be the address at which the file is
23 maintained, the name of the custodian of the reports, and the
24 telephone number at which the custodian may be reached. The
25 person who is the subject of the report shall submit a written
26 statement responding, clarifying, adding to, or proposing the

1 amending of the report previously filed. The person who is the
2 subject of the report shall also submit with the written
3 statement any medical records related to the report. The
4 statement and accompanying medical records shall become a
5 permanent part of the file and must be received by the Medical
6 Board no more than 30 days after the date on which the person
7 was notified by the Medical Board of the existence of the
8 original report.

9 The Medical Board shall review all reports received by it,
10 together with any supporting information and responding
11 statements submitted by persons who are the subject of
12 reports. The review by the Medical Board shall be in a timely
13 manner but in no event, shall the Medical Board's initial
14 review of the material contained in each disciplinary file be
15 less than 61 days nor more than 180 days after the receipt of
16 the initial report by the Medical Board.

17 When the Medical Board makes its initial review of the
18 materials contained within its disciplinary files, the Medical
19 Board shall, in writing, make a determination as to whether
20 there are sufficient facts to warrant further investigation or
21 action. Failure to make such determination within the time
22 provided shall be deemed to be a determination that there are
23 not sufficient facts to warrant further investigation or
24 action.

25 Should the Medical Board find that there are not
26 sufficient facts to warrant further investigation, or action,

1 the report shall be accepted for filing and the matter shall be
2 deemed closed and so reported to the Secretary. The Secretary
3 shall then have 30 days to accept the Medical Board's decision
4 or request further investigation. The Secretary shall inform
5 the Medical Board of the decision to request further
6 investigation, including the specific reasons for the
7 decision. The individual or entity filing the original report
8 or complaint and the person who is the subject of the report or
9 complaint shall be notified in writing by the Secretary of any
10 final action on their report or complaint. The Department
11 shall disclose to the individual or entity who filed the
12 original report or complaint, on request, the status of the
13 Medical Board's review of a specific report or complaint. Such
14 request may be made at any time, including prior to the Medical
15 Board's determination as to whether there are sufficient facts
16 to warrant further investigation or action.

17 (F) Summary reports. The Medical Board shall prepare, on a
18 timely basis, but in no event less than once every other month,
19 a summary report of final disciplinary actions taken upon
20 disciplinary files maintained by the Medical Board. The
21 summary reports shall be made available to the public upon
22 request and payment of the fees set by the Department. This
23 publication may be made available to the public on the
24 Department's website. Information or documentation relating to
25 any disciplinary file that is closed without disciplinary
26 action taken shall not be disclosed and shall be afforded the

1 same status as is provided by Part 21 of Article VIII of the
2 Code of Civil Procedure.

3 (G) Any violation of this Section shall be a Class A
4 misdemeanor.

5 (H) If any such person violates the provisions of this
6 Section an action may be brought in the name of the People of
7 the State of Illinois, through the Attorney General of the
8 State of Illinois, for an order enjoining such violation or
9 for an order enforcing compliance with this Section. Upon
10 filing of a verified petition in such court, the court may
11 issue a temporary restraining order without notice or bond and
12 may preliminarily or permanently enjoin such violation, and if
13 it is established that such person has violated or is
14 violating the injunction, the court may punish the offender
15 for contempt of court. Proceedings under this paragraph shall
16 be in addition to, and not in lieu of, all other remedies and
17 penalties provided for by this Section.

18 (I) The Department may adopt rules to implement,
19 administer, and enforce this Section ~~the changes made by this~~
20 ~~amendatory Act of the 102nd General Assembly.~~

21 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
22 102-1117, eff. 1-13-23.)

23 Section 30. The Licensed Certified Professional Midwife
24 Practice Act is amended by changing Section 100 as follows:

1 (225 ILCS 64/100)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 100. Grounds for disciplinary action.

4 (a) The Department may refuse to issue or to renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary or non-disciplinary action with regard to any
7 license issued under this Act as the Department may deem
8 proper, including the issuance of fines not to exceed \$10,000
9 for each violation, for any one or combination of the
10 following causes:

11 (1) Material misstatement in furnishing information to
12 the Department.

13 (2) Violations of this Act, or the rules adopted under
14 this Act.

15 (3) Conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or
17 sentencing, including, but not limited to, convictions,
18 preceding sentences of supervision, conditional discharge,
19 or first offender probation, under the laws of any
20 jurisdiction of the United States that is: (i) a felony;
21 or (ii) a misdemeanor, an essential element of which is
22 dishonesty, or that is directly related to the practice of
23 the profession.

24 (4) Making any misrepresentation for the purpose of
25 obtaining licenses.

26 (5) Professional incompetence.

1 (6) Aiding or assisting another person in violating
2 any provision of this Act or its rules.

3 (7) Failing, within 60 days, to provide information in
4 response to a written request made by the Department.

5 (8) Engaging in dishonorable, unethical, or
6 unprofessional conduct, as defined by rule, of a character
7 likely to deceive, defraud, or harm the public.

8 (9) Habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants, or any other chemical agent or drug
10 that results in a midwife's inability to practice with
11 reasonable judgment, skill, or safety.

12 (10) Discipline by another U.S. jurisdiction or
13 foreign nation, if at least one of the grounds for
14 discipline is the same or substantially equivalent to
15 those set forth in this Section.

16 (11) Directly or indirectly giving to or receiving
17 from any person, firm, corporation, partnership, or
18 association any fee, commission, rebate, or other form of
19 compensation for any professional services not actually or
20 personally rendered. Nothing in this paragraph affects any
21 bona fide independent contractor or employment
22 arrangements, including provisions for compensation,
23 health insurance, pension, or other employment benefits,
24 with persons or entities authorized under this Act for the
25 provision of services within the scope of the licensee's
26 practice under this Act.

1 (12) A finding by the Department that the licensee,
2 after having his or her license placed on probationary
3 status, has violated the terms of probation.

4 (13) Abandonment of a patient.

5 (14) Willfully making or filing false records or
6 reports in his or her practice, including, but not limited
7 to, false records filed with State ~~state~~ agencies or
8 departments.

9 (15) Willfully failing to report an instance of
10 suspected child abuse or neglect as required by the Abused
11 and Neglected Child Reporting Act.

12 (16) Physical illness, or mental illness or impairment
13 that results in the inability to practice the profession
14 with reasonable judgment, skill, or safety, including, but
15 not limited to, deterioration through the aging process or
16 loss of motor skill.

17 (17) Being named as a perpetrator in an indicated
18 report by the Department of Children and Family Services
19 under the Abused and Neglected Child Reporting Act, and
20 upon proof by clear and convincing evidence that the
21 licensee has caused a child to be an abused child or
22 neglected child as defined in the Abused and Neglected
23 Child Reporting Act.

24 (18) Gross negligence resulting in permanent injury or
25 death of a patient.

26 (19) Employment of fraud, deception, or any unlawful

1 means in applying for or securing a license as a licensed
2 certified professional midwife.

3 (21) Immoral conduct in the commission of any act,
4 including sexual abuse, sexual misconduct, or sexual
5 exploitation related to the licensee's practice.

6 (22) Violation of the Health Care Worker Self-Referral
7 Act.

8 (23) Practicing under a false or assumed name, except
9 as provided by law.

10 (24) Making a false or misleading statement regarding
11 his or her skill or the efficacy or value of the medicine,
12 treatment, or remedy prescribed by him or her in the
13 course of treatment.

14 (25) Allowing another person to use his or her license
15 to practice.

16 (26) Prescribing, selling, administering,
17 distributing, giving, or self-administering a drug
18 classified as a controlled substance for purposes other
19 than medically accepted therapeutic purposes.

20 (27) Promotion of the sale of drugs, devices,
21 appliances, or goods provided for a patient in a manner to
22 exploit the patient for financial gain.

23 (28) A pattern of practice or other behavior that
24 demonstrates incapacity or incompetence to practice under
25 this Act.

26 (29) Violating State or federal laws, rules, or

1 regulations relating to controlled substances or other
2 legend drugs or ephedra as defined in the Ephedra
3 Prohibition Act.

4 (30) Failure to establish and maintain records of
5 patient care and treatment as required by law.

6 (31) Attempting to subvert or cheat on the examination
7 of the North American Registry of Midwives or its
8 successor agency.

9 (32) Willfully or negligently violating the
10 confidentiality between licensed certified professional
11 midwives and patient, except as required by law.

12 (33) Willfully failing to report an instance of
13 suspected abuse, neglect, financial exploitation, or
14 self-neglect of an eligible adult as defined in and
15 required by the Adult Protective Services Act.

16 (34) Being named as an abuser in a verified report by
17 the Department on Aging under the Adult Protective
18 Services Act and upon proof by clear and convincing
19 evidence that the licensee abused, neglected, or
20 financially exploited an eligible adult as defined in the
21 Adult Protective Services Act.

22 (35) Failure to report to the Department an adverse
23 final action taken against him or her by another licensing
24 jurisdiction of the United States or a foreign state or
25 country, a peer review body, a health care institution, a
26 professional society or association, a governmental

1 agency, a law enforcement agency, or a court.

2 (36) Failure to provide copies of records of patient
3 care or treatment, except as required by law.

4 (37) Failure of a licensee to report to the Department
5 surrender by the licensee of a license or authorization to
6 practice in another state or jurisdiction or current
7 surrender by the licensee of membership professional
8 association or society while under disciplinary
9 investigation by any of those authorities or bodies for
10 acts or conduct similar to acts or conduct that would
11 constitute grounds for action under this Section.

12 (38) Failing, within 90 days, to provide a response to
13 a request for information in response to a written request
14 made by the Department by certified or registered mail or
15 by email to the email address of record.

16 (39) Failure to supervise a midwife assistant or
17 student midwife, including, but not limited to, allowing a
18 midwife assistant or student midwife to exceed their
19 scope.

20 (40) Failure to adequately inform a patient about
21 their malpractice liability insurance coverage and the
22 policy limits of the coverage.

23 (41) Failure to submit an annual report to the
24 Department of Public Health.

25 (42) Failure to disclose active cardiopulmonary
26 resuscitation certification or neonatal resuscitation

1 provider status to clients.

2 (43) Engaging in one of the prohibited practices
3 provided for in Section 85 of this Act.

4 (b) The Department may, without a hearing, refuse to issue
5 or renew or may suspend the license of any person who fails to
6 file a return, or to pay the tax, penalty, or interest shown in
7 a filed return, or to pay any final assessment of the tax,
8 penalty, or interest as required by any tax Act administered
9 by the Department of Revenue, until the requirements of any
10 such tax Act are satisfied.

11 (c) The determination by a circuit court that a licensee
12 is subject to involuntary admission or judicial admission as
13 provided in the Mental Health and Developmental Disabilities
14 Code operates as an automatic suspension. The suspension will
15 end only upon a finding by a court that the patient is no
16 longer subject to involuntary admission or judicial admission
17 and issues an order so finding and discharging the patient,
18 and upon the recommendation of the Board to the Secretary that
19 the licensee be allowed to resume his or her practice.

20 (d) In enforcing this Section, the Department, upon a
21 showing of a possible violation, may compel an individual
22 licensed to practice under this Act, or who has applied for
23 licensure under this Act, to submit to a mental or physical
24 examination, or both, including a substance abuse or sexual
25 offender evaluation, as required by and at the expense of the
26 Department.

1 The Department shall specifically designate the examining
2 physician licensed to practice medicine in all of its branches
3 or, if applicable, the multidisciplinary team involved in
4 providing the mental or physical examination or both. The
5 multidisciplinary team shall be led by a physician licensed to
6 practice medicine in all of its branches and may consist of one
7 or more or a combination of physicians licensed to practice
8 medicine in all of its branches, licensed clinical
9 psychologists, licensed clinical social workers, licensed
10 clinical professional counselors, and other professional and
11 administrative staff. Any examining physician or member of the
12 multidisciplinary team may require any person ordered to
13 submit to an examination pursuant to this Section to submit to
14 any additional supplemental testing deemed necessary to
15 complete any examination or evaluation process, including, but
16 not limited to, blood testing, urinalysis, psychological
17 testing, or neuropsychological testing.

18 The Department may order the examining physician or any
19 member of the multidisciplinary team to provide to the
20 Department any and all records, including business records,
21 that relate to the examination and evaluation, including any
22 supplemental testing performed.

23 The Department may order the examining physician or any
24 member of the multidisciplinary team to present testimony
25 concerning the mental or physical examination of the licensee
26 or applicant. No information, report, record, or other

1 documents in any way related to the examination shall be
2 excluded by reason of any common law or statutory privilege
3 relating to communications between the licensee or applicant
4 and the examining physician or any member of the
5 multidisciplinary team. No authorization is necessary from the
6 licensee or applicant ordered to undergo an examination for
7 the examining physician or any member of the multidisciplinary
8 team to provide information, reports, records, or other
9 documents or to provide any testimony regarding the
10 examination and evaluation.

11 The individual to be examined may have, at his or her own
12 expense, another physician of his or her choice present during
13 all aspects of this examination. However, that physician shall
14 be present only to observe and may not interfere in any way
15 with the examination.

16 Failure of an individual to submit to a mental or physical
17 examination, when ordered, shall result in an automatic
18 suspension of his or her license until the individual submits
19 to the examination.

20 If the Department finds an individual unable to practice
21 because of the reasons set forth in this Section, the
22 Department may require that individual to submit to care,
23 counseling, or treatment by physicians approved or designated
24 by the Department, as a condition, term, or restriction for
25 continued, reinstated, or renewed licensure to practice; or,
26 in lieu of care, counseling, or treatment, the Department may

1 file a complaint to immediately suspend, revoke, or otherwise
2 discipline the license of the individual. An individual whose
3 license was granted, continued, reinstated, renewed,
4 disciplined, or supervised subject to such terms, conditions,
5 or restrictions, and who fails to comply with such terms,
6 conditions, or restrictions, shall be referred to the
7 Secretary for a determination as to whether the individual
8 shall have his or her license suspended immediately, pending a
9 hearing by the Department.

10 In instances in which the Secretary immediately suspends a
11 person's license under this Section, a hearing on that
12 person's license must be convened by the Department within 30
13 days after the suspension and completed without appreciable
14 delay. The Department shall have the authority to review the
15 subject individual's record of treatment and counseling
16 regarding the impairment to the extent permitted by applicable
17 federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 An individual licensed under this Act and affected under
20 this Section shall be afforded an opportunity to demonstrate
21 to the Department that he or she can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of his or her license.

24 (e) The Department shall not revoke, suspend, summarily
25 suspend, place on prohibition, reprimand, refuse to issue or
26 renew, or take any other disciplinary or non-disciplinary

1 action against a person's authorization to practice under this
2 Act based solely upon the person authorizing, recommending,
3 aiding, assisting, referring for, or otherwise participating
4 in any health care service, so long as the care was not
5 unlawful under the laws of this State, regardless of whether
6 the patient was a resident of this State or another state.

7 (f) The Department shall not revoke, suspend, summarily
8 suspend, place on prohibition, reprimand, refuse to issue or
9 renew, or take any other disciplinary or non-disciplinary
10 action against a person's authorization to practice under this
11 Act based upon the person's license, registration, or permit
12 being revoked or suspended, or the person being otherwise
13 disciplined, by any other state if that revocation,
14 suspension, or other form of discipline was based solely on
15 the person violating another state's laws prohibiting the
16 provision of, authorization of, recommendation of, aiding or
17 assisting in, referring for, or participation in any health
18 care service if that health care service as provided would not
19 have been unlawful under the laws of this State and is
20 consistent with the applicable standard of conduct for the
21 person practicing in Illinois under this Act.

22 (Source: P.A. 102-683, eff. 10-1-22; 103-605, eff. 7-1-24.)

23 Section 35. The Nurse Practice Act is amended by changing
24 Sections 65-65 and 70-5 as follows:

1 (225 ILCS 65/65-65) (was 225 ILCS 65/15-55)

2 (Section scheduled to be repealed on January 1, 2028)

3 Sec. 65-65. Reports relating to APRN professional conduct
4 and capacity.

5 (a) Entities Required to Report.

6 (1) Health Care Institutions. The chief administrator
7 or executive officer of a health care institution licensed
8 by the Department of Public Health, which provides the
9 minimum due process set forth in Section 10.4 of the
10 Hospital Licensing Act, shall report to the Board when an
11 advanced practice registered nurse's organized
12 professional staff clinical privileges are terminated or
13 are restricted based on a final determination, in
14 accordance with that institution's bylaws or rules and
15 regulations, that (i) a person has either committed an act
16 or acts that may directly threaten patient care and that
17 are not of an administrative nature or (ii) that a person
18 may have a mental or physical disability that may endanger
19 patients under that person's care. The chief administrator
20 or officer shall also report if an advanced practice
21 registered nurse accepts voluntary termination or
22 restriction of clinical privileges in lieu of formal
23 action based upon conduct related directly to patient care
24 and not of an administrative nature, or in lieu of formal
25 action seeking to determine whether a person may have a
26 mental or physical disability that may endanger patients

1 under that person's care. The Department shall provide by
2 rule for the reporting to it of all instances in which a
3 person licensed under this Article, who is impaired by
4 reason of age, drug~~r~~ or alcohol abuse~~l~~, or physical or
5 mental impairment, is under supervision and, where
6 appropriate, is in a program of rehabilitation. Reports
7 submitted under this subsection shall be strictly
8 confidential and may be reviewed and considered only by
9 the members of the Board or authorized staff as provided
10 by rule of the Department. Provisions shall be made for
11 the periodic report of the status of any such reported
12 person not less than twice annually in order that the
13 Board shall have current information upon which to
14 determine the status of that person. Initial and periodic
15 reports of impaired advanced practice registered nurses
16 shall not be considered records within the meaning of the
17 State Records Act and shall be disposed of, following a
18 determination by the Board that such reports are no longer
19 required, in a manner and at an appropriate time as the
20 Board shall determine by rule. The filing of reports
21 submitted under this subsection shall be construed as the
22 filing of a report for purposes of subsection (c) of this
23 Section. Such health care institution shall not take any
24 adverse action, including, but not limited to, restricting
25 or terminating any person's clinical privileges, as a
26 result of an adverse action against a person's license~~l~~.

1 registration, permit, or clinical privileges or other
2 disciplinary action by another state or health care
3 institution that resulted from the person's provision of,
4 authorization of, recommendation of, aiding or assistance
5 with, referral for, or participation in any health care
6 service if the adverse action was based solely on a
7 violation of the other state's law prohibiting the
8 provision of such health care and related services in the
9 state or for a resident of the state if that health care
10 service would not have been unlawful under the laws of
11 this State and is consistent with the applicable standard
12 ~~standards~~ of conduct for a person ~~advanced practice~~
13 ~~registered nurses~~ practicing in Illinois under this Act.

14 (2) Professional Associations. The President or chief
15 executive officer of an association or society of persons
16 licensed under this Article, operating within this State,
17 shall report to the Board when the association or society
18 renders a final determination that a person licensed under
19 this Article has committed unprofessional conduct related
20 directly to patient care or that a person may have a mental
21 or physical disability that may endanger patients under
22 the person's care.

23 (3) Professional Liability Insurers. Every insurance
24 company that offers policies of professional liability
25 insurance to persons licensed under this Article, or any
26 other entity that seeks to indemnify the professional

1 liability of a person licensed under this Article, shall
2 report to the Board the settlement of any claim or cause of
3 action, or final judgment rendered in any cause of action,
4 that alleged negligence in the furnishing of patient care
5 by the licensee when the settlement or final judgment is
6 in favor of the plaintiff. Such insurance company shall
7 not take any adverse action, including, but not limited
8 to, denial or revocation of coverage, or rate increases,
9 against a person licensed under this Act with respect to
10 coverage for services provided in Illinois if based solely
11 on the person providing, authorizing, recommending,
12 aiding, assisting, referring for, or otherwise
13 participating in health care services this State in
14 violation of another state's law, or a revocation or other
15 adverse action against the person's license in another
16 state for violation of such law if that health care
17 service as provided would have been lawful and consistent
18 with the standards of conduct for registered nurses and
19 advanced practice registered nurses if it occurred in
20 Illinois. Notwithstanding this provision, it is against
21 public policy to require coverage for an illegal action.

22 (4) State's Attorneys. The State's Attorney of each
23 county shall report to the Board all instances in which a
24 person licensed under this Article is convicted or
25 otherwise found guilty of the commission of a felony.

26 (5) State Agencies. All agencies, boards, commissions,

1 departments, or other instrumentalities of the government
2 of this State shall report to the Board any instance
3 arising in connection with the operations of the agency,
4 including the administration of any law by the agency, in
5 which a person licensed under this Article has either
6 committed an act or acts that may constitute a violation
7 of this Article, that may constitute unprofessional
8 conduct related directly to patient care, or that
9 indicates that a person licensed under this Article may
10 have a mental or physical disability that may endanger
11 patients under that person's care.

12 (b) Mandatory Reporting. All reports required under items
13 (16) and (17) of subsection (a) of Section 70-5 shall be
14 submitted to the Board in a timely fashion. The reports shall
15 be filed in writing within 60 days after a determination that a
16 report is required under this Article. All reports shall
17 contain the following information:

18 (1) The name, address, and telephone number of the
19 person making the report.

20 (2) The name, address, and telephone number of the
21 person who is the subject of the report.

22 (3) The name or other means of identification of any
23 patient or patients whose treatment is a subject of the
24 report, except that no medical records may be revealed
25 without the written consent of the patient or patients.

26 (4) A brief description of the facts that gave rise to

1 the issuance of the report, including, but not limited to,
2 the dates of any occurrences deemed to necessitate the
3 filing of the report.

4 (5) If court action is involved, the identity of the
5 court in which the action is filed, the docket number, and
6 date of filing of the action.

7 (6) Any further pertinent information that the
8 reporting party deems to be an aid in the evaluation of the
9 report.

10 Nothing contained in this Section shall be construed to in
11 any way waive or modify the confidentiality of medical reports
12 and committee reports to the extent provided by law. Any
13 information reported or disclosed shall be kept for the
14 confidential use of the Board, the Board's attorneys, the
15 investigative staff, and authorized clerical staff and shall
16 be afforded the same status as is provided information
17 concerning medical studies in Part 21 of Article VIII of the
18 Code of Civil Procedure.

19 (c) Immunity from Prosecution. An individual or
20 organization acting in good faith, and not in a willful and
21 wanton manner, in complying with this Section by providing a
22 report or other information to the Board, by assisting in the
23 investigation or preparation of a report or information, by
24 participating in proceedings of the Board, or by serving as a
25 member of the Board shall not, as a result of such actions, be
26 subject to criminal prosecution or civil damages.

1 (d) Indemnification. Members of the Board, the Board's
2 attorneys, the investigative staff, advanced practice
3 registered nurses or physicians retained under contract to
4 assist and advise in the investigation, and authorized
5 clerical staff shall be indemnified by the State for any
6 actions (i) occurring within the scope of services on the
7 Board, (ii) performed in good faith, and (iii) not willful and
8 wanton in nature. The Attorney General shall defend all
9 actions taken against those persons unless he or she
10 determines either that there would be a conflict of interest
11 in the representation or that the actions complained of were
12 not performed in good faith or were willful and wanton in
13 nature. If the Attorney General declines representation, the
14 member shall have the right to employ counsel of his or her
15 choice, whose fees shall be provided by the State, after
16 approval by the Attorney General, unless there is a
17 determination by a court that the member's actions were not
18 performed in good faith or were willful and wanton in nature.
19 The member shall notify the Attorney General within 7 days of
20 receipt of notice of the initiation of an action involving
21 services of the Board. Failure to so notify the Attorney
22 General shall constitute an absolute waiver of the right to a
23 defense and indemnification. The Attorney General shall
24 determine within 7 days after receiving the notice whether he
25 or she will undertake to represent the member.

26 (e) Deliberations of Board. Upon the receipt of a report

1 called for by this Section, other than those reports of
2 impaired persons licensed under this Article required pursuant
3 to the rules of the Board, the Board shall notify in writing by
4 certified or registered mail or by email to the email address
5 of record the person who is the subject of the report. The
6 notification shall be made within 30 days of receipt by the
7 Board of the report. The notification shall include a written
8 notice setting forth the person's right to examine the report.
9 Included in the notification shall be the address at which the
10 file is maintained, the name of the custodian of the reports,
11 and the telephone number at which the custodian may be
12 reached. The person who is the subject of the report shall
13 submit a written statement responding to, clarifying, adding
14 to, or proposing to amend the report previously filed. The
15 statement shall become a permanent part of the file and shall
16 be received by the Board no more than 30 days after the date on
17 which the person was notified of the existence of the original
18 report. The Board shall review all reports received by it and
19 any supporting information and responding statements submitted
20 by persons who are the subject of reports. The review by the
21 Board shall be in a timely manner but in no event shall the
22 Board's initial review of the material contained in each
23 disciplinary file be less than 61 days nor more than 180 days
24 after the receipt of the initial report by the Board. When the
25 Board makes its initial review of the materials contained
26 within its disciplinary files, the Board shall, in writing,

1 make a determination as to whether there are sufficient facts
2 to warrant further investigation or action. Failure to make
3 that determination within the time provided shall be deemed to
4 be a determination that there are not sufficient facts to
5 warrant further investigation or action. Should the Board find
6 that there are not sufficient facts to warrant further
7 investigation or action, the report shall be accepted for
8 filing and the matter shall be deemed closed and so reported.
9 The individual or entity filing the original report or
10 complaint and the person who is the subject of the report or
11 complaint shall be notified in writing by the Board of any
12 final action on their report or complaint.

13 (f) (Blank).

14 (g) Any violation of this Section shall constitute a Class
15 A misdemeanor.

16 (h) If a person violates the provisions of this Section,
17 an action may be brought in the name of the People of the State
18 of Illinois, through the Attorney General of the State of
19 Illinois, for an order enjoining the violation or for an order
20 enforcing compliance with this Section. Upon filing of a
21 petition in court, the court may issue a temporary restraining
22 order without notice or bond and may preliminarily or
23 permanently enjoin the violation, and if it is established
24 that the person has violated or is violating the injunction,
25 the court may punish the offender for contempt of court.
26 Proceedings under this subsection shall be in addition to, and

1 not in lieu of, all other remedies and penalties provided for
2 by this Section.

3 (i) The Department may adopt rules to implement,
4 administer, and enforce this Section ~~the changes made by this~~
5 ~~amendatory Act of the 102nd General Assembly.~~

6 (Source: P.A. 102-1117, eff. 1-13-23.)

7 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 70-5. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or to renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem appropriate, including fines not to exceed \$10,000 per
14 violation, with regard to a license for any one or combination
15 of the causes set forth in subsection (b) below. All fines
16 collected under this Section shall be deposited in the Nursing
17 Dedicated and Professional Fund.

18 (b) Grounds for disciplinary action include the following:

19 (1) Material deception in furnishing information to
20 the Department.

21 (2) Material violations of any provision of this Act
22 or violation of the rules of or final administrative
23 action of the Secretary, after consideration of the
24 recommendation of the Board.

25 (3) Conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or by
2 sentencing of any crime, including, but not limited to,
3 convictions, preceding sentences of supervision,
4 conditional discharge, or first offender probation, under
5 the laws of any jurisdiction of the United States: (i)
6 that is a felony; or (ii) that is a misdemeanor, an
7 essential element of which is dishonesty, or that is
8 directly related to the practice of the profession.

9 (4) A pattern of practice or other behavior which
10 demonstrates incapacity or incompetency to practice under
11 this Act.

12 (5) Knowingly aiding or assisting another person in
13 violating any provision of this Act or rules.

14 (6) Failing, within 90 days, to provide a response to
15 a request for information in response to a written request
16 made by the Department by certified or registered mail or
17 by email to the email address of record.

18 (7) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public, as defined by rule.

21 (8) Unlawful taking, theft, selling, distributing, or
22 manufacturing of any drug, narcotic, or prescription
23 device.

24 (9) Habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants, or any other chemical agent or drug
26 that could result in a licensee's inability to practice

1 with reasonable judgment, skill, or safety.

2 (10) Discipline by another U.S. jurisdiction or
3 foreign nation, if at least one of the grounds for the
4 discipline is the same or substantially equivalent to
5 those set forth in this Section.

6 (11) A finding that the licensee, after having her or
7 his license placed on probationary status or subject to
8 conditions or restrictions, has violated the terms of
9 probation or failed to comply with such terms or
10 conditions.

11 (12) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 and under the Abused and Neglected Child Reporting Act,
14 and upon proof by clear and convincing evidence that the
15 licensee has caused a child to be an abused child or
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

18 (13) Willful omission to file or record, or willfully
19 impeding the filing or recording or inducing another
20 person to omit to file or record medical reports as
21 required by law.

22 (13.5) Willfully failing to report an instance of
23 suspected child abuse or neglect as required by the Abused
24 and Neglected Child Reporting Act.

25 (14) Gross negligence in the practice of practical,
26 professional, or advanced practice registered nursing.

1 (15) Holding oneself out to be practicing nursing
2 under any name other than one's own.

3 (16) Failure of a licensee to report to the Department
4 any adverse final action taken against him or her by
5 another licensing jurisdiction of the United States or any
6 foreign state or country, any peer review body, any health
7 care institution, any professional or nursing society or
8 association, any governmental agency, any law enforcement
9 agency, or any court or a nursing liability claim related
10 to acts or conduct similar to acts or conduct that would
11 constitute grounds for action as defined in this Section.

12 (17) Failure of a licensee to report to the Department
13 surrender by the licensee of a license or authorization to
14 practice nursing or advanced practice registered nursing
15 in another state or jurisdiction or current surrender by
16 the licensee of membership on any nursing staff or in any
17 nursing or advanced practice registered nursing or
18 professional association or society while under
19 disciplinary investigation by any of those authorities or
20 bodies for acts or conduct similar to acts or conduct that
21 would constitute grounds for action as defined by this
22 Section.

23 (18) Failing, within 60 days, to provide information
24 in response to a written request made by the Department.

25 (19) Failure to establish and maintain records of
26 patient care and treatment as required by law.

1 (20) Fraud, deceit, or misrepresentation in applying
2 for or procuring a license under this Act or in connection
3 with applying for renewal of a license under this Act.

4 (21) Allowing another person or organization to use
5 the licensee's license to deceive the public.

6 (22) Willfully making or filing false records or
7 reports in the licensee's practice, including, but not
8 limited to, false records to support claims against the
9 medical assistance program of the Department of Healthcare
10 and Family Services (formerly Department of Public Aid)
11 under the Illinois Public Aid Code.

12 (23) Attempting to subvert or cheat on a licensing
13 examination administered under this Act.

14 (24) Immoral conduct in the commission of an act,
15 including, but not limited to, sexual abuse, sexual
16 misconduct, or sexual exploitation, related to the
17 licensee's practice.

18 (25) Willfully or negligently violating the
19 confidentiality between nurse and patient except as
20 required by law.

21 (26) Practicing under a false or assumed name, except
22 as provided by law.

23 (27) The use of any false, fraudulent, or deceptive
24 statement in any document connected with the licensee's
25 practice.

26 (28) Directly or indirectly giving to or receiving

1 from a person, firm, corporation, partnership, or
2 association a fee, commission, rebate, or other form of
3 compensation for professional services not actually or
4 personally rendered. Nothing in this paragraph (28)
5 affects any bona fide independent contractor or employment
6 arrangements among health care professionals, health
7 facilities, health care providers, or other entities,
8 except as otherwise prohibited by law. Any employment
9 arrangements may include provisions for compensation,
10 health insurance, pension, or other employment benefits
11 for the provision of services within the scope of the
12 licensee's practice under this Act. Nothing in this
13 paragraph (28) shall be construed to require an employment
14 arrangement to receive professional fees for services
15 rendered.

16 (29) A violation of the Health Care Worker
17 Self-Referral Act.

18 (30) Physical illness, mental illness, or disability
19 that results in the inability to practice the profession
20 with reasonable judgment, skill, or safety.

21 (31) Exceeding the terms of a collaborative agreement
22 or the prescriptive authority delegated to a licensee by
23 his or her collaborating physician or podiatric physician
24 in guidelines established under a written collaborative
25 agreement.

26 (32) Making a false or misleading statement regarding

1 a licensee's skill or the efficacy or value of the
2 medicine, treatment, or remedy prescribed by him or her in
3 the course of treatment.

4 (33) Prescribing, selling, administering,
5 distributing, giving, or self-administering a drug
6 classified as a controlled substance (designated product)
7 or narcotic for other than medically accepted therapeutic
8 purposes.

9 (34) Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in a manner to
11 exploit the patient for financial gain.

12 (35) Violating State or federal laws, rules, or
13 regulations relating to controlled substances.

14 (36) Willfully or negligently violating the
15 confidentiality between an advanced practice registered
16 nurse, collaborating physician, dentist, or podiatric
17 physician and a patient, except as required by law.

18 (37) Willfully failing to report an instance of
19 suspected abuse, neglect, financial exploitation, or
20 self-neglect of an eligible adult as defined in and
21 required by the Adult Protective Services Act.

22 (38) Being named as an abuser in a verified report by
23 the Department on Aging and under the Adult Protective
24 Services Act, and upon proof by clear and convincing
25 evidence that the licensee abused, neglected, or
26 financially exploited an eligible adult as defined in the

1 Adult Protective Services Act.

2 (39) A violation of any provision of this Act or any
3 rules adopted under this Act.

4 (40) Violating the Compassionate Use of Medical
5 Cannabis Program Act.

6 (b-5) The Department shall not revoke, suspend, summarily
7 suspend, place on probation, reprimand, refuse to issue or
8 renew, or take any other disciplinary or non-disciplinary
9 action against a person's authorization to practice ~~the~~
10 ~~license or permit issued~~ under this Act ~~to practice as a~~
11 ~~registered nurse or an advanced practice registered nurse~~
12 based solely upon the person ~~registered nurse or advanced~~
13 ~~practice registered nurse~~ providing, authorizing,
14 recommending, aiding, assisting, referring for, or otherwise
15 participating in any health care service, so long as the care
16 was not unlawful under the laws of this State, regardless of
17 whether the patient was a resident of this State or another
18 state.

19 (b-10) The Department shall not revoke, suspend, summarily
20 suspend, place on prohibition, reprimand, refuse to issue or
21 renew, or take any other disciplinary or non-disciplinary
22 action against a person's authorization to practice ~~the~~
23 ~~license or permit issued~~ under this Act ~~to practice as a~~
24 ~~registered nurse or an advanced practice registered nurse~~
25 based upon the person's ~~registered nurse's or advanced~~
26 ~~practice registered nurse's~~ license, registration, or permit

1 being revoked or suspended, or the person ~~registered nurse or~~
2 ~~advanced practice registered nurse~~ being otherwise
3 disciplined, by any other state, if that revocation,
4 suspension, or other form of discipline was based solely on
5 the person ~~registered nurse or advanced practice registered~~
6 ~~nurse~~ violating another state's laws prohibiting the provision
7 of, authorization of, recommendation of, aiding or assisting
8 in, referring for, or participation in any health care service
9 if that health care service as provided would not have been
10 unlawful under the laws of this State and is consistent with
11 the applicable standard ~~standards~~ of conduct for the person
12 ~~registered nurse or advanced practice registered nurse~~
13 practicing in Illinois under this Act.

14 (b-15) The conduct specified in subsections (b-5) and
15 (b-10) shall not trigger reporting requirements under Section
16 65-65 or constitute grounds for suspension under Section
17 70-60.

18 (b-20) An applicant seeking licensure, certification, or
19 authorization under this Act who has been subject to
20 disciplinary action by a duly authorized professional
21 disciplinary agency of another jurisdiction solely on the
22 basis of having provided, authorized, recommended, aided,
23 assisted, referred for, or otherwise participated in health
24 care shall not be denied such licensure, certification, or
25 authorization, unless the Department determines that such
26 action would have constituted professional misconduct in this

1 State; however, nothing in this Section shall be construed as
2 prohibiting the Department from evaluating the conduct of such
3 applicant and making a determination regarding the licensure,
4 certification, or authorization to practice a profession under
5 this Act.

6 (c) The determination by a circuit court that a licensee
7 is subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code, as amended, operates as an automatic suspension. The
10 suspension will end only upon a finding by a court that the
11 patient is no longer subject to involuntary admission or
12 judicial admission and issues an order so finding and
13 discharging the patient; and upon the recommendation of the
14 Board to the Secretary that the licensee be allowed to resume
15 his or her practice.

16 (d) The Department may refuse to issue or may suspend or
17 otherwise discipline the license of any person who fails to
18 file a return, or to pay the tax, penalty, or interest shown in
19 a filed return, or to pay any final assessment of the tax,
20 penalty, or interest as required by any tax Act administered
21 by the Department of Revenue, until such time as the
22 requirements of any such tax Act are satisfied.

23 (e) In enforcing this Act, the Department, upon a showing
24 of a possible violation, may compel an individual licensed to
25 practice under this Act or who has applied for licensure under
26 this Act, to submit to a mental or physical examination, or

1 both, as required by and at the expense of the Department. The
2 Department may order the examining physician to present
3 testimony concerning the mental or physical examination of the
4 licensee or applicant. No information shall be excluded by
5 reason of any common law or statutory privilege relating to
6 communications between the licensee or applicant and the
7 examining physician. The examining physicians shall be
8 specifically designated by the Department. The individual to
9 be examined may have, at his or her own expense, another
10 physician of his or her choice present during all aspects of
11 this examination. Failure of an individual to submit to a
12 mental or physical examination, when directed, shall result in
13 an automatic suspension without hearing.

14 All substance-related violations shall mandate an
15 automatic substance abuse assessment. Failure to submit to an
16 assessment by a licensed physician who is certified as an
17 addictionist or an advanced practice registered nurse with
18 specialty certification in addictions may be grounds for an
19 automatic suspension, as defined by rule.

20 If the Department finds an individual unable to practice
21 or unfit for duty because of the reasons set forth in this
22 subsection (e), the Department may require that individual to
23 submit to a substance abuse evaluation or treatment by
24 individuals or programs approved or designated by the
25 Department, as a condition, term, or restriction for
26 continued, restored, or renewed licensure to practice; or, in

1 lieu of evaluation or treatment, the Department may file, or
2 the Board may recommend to the Department to file, a complaint
3 to immediately suspend, revoke, or otherwise discipline the
4 license of the individual. An individual whose license was
5 granted, continued, restored, renewed, disciplined, or
6 supervised subject to such terms, conditions, or restrictions,
7 and who fails to comply with such terms, conditions, or
8 restrictions, shall be referred to the Secretary for a
9 determination as to whether the individual shall have his or
10 her license suspended immediately, pending a hearing by the
11 Department.

12 In instances in which the Secretary immediately suspends a
13 person's license under this subsection (e), a hearing on that
14 person's license must be convened by the Department within 15
15 days after the suspension and completed without appreciable
16 delay. The Department and Board shall have the authority to
17 review the subject individual's record of treatment and
18 counseling regarding the impairment to the extent permitted by
19 applicable federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 An individual licensed under this Act and affected under
22 this subsection (e) shall be afforded an opportunity to
23 demonstrate to the Department that he or she can resume
24 practice in compliance with nursing standards under the
25 provisions of his or her license.

26 (f) The Department may adopt rules to implement, l

1 ~~administer, and enforce this Section the changes made by this~~
2 ~~amendatory Act of the 102nd General Assembly.~~

3 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
4 102-1117, eff. 1-13-23.)

5 Section 40. The Pharmacy Practice Act is amended by
6 changing Sections 30 and 30.1 as follows:

7 (225 ILCS 85/30) (from Ch. 111, par. 4150)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 30. Refusal, revocation, suspension, or other
10 discipline.

11 (a) The Department may refuse to issue or renew, or may
12 revoke a license, or may suspend, place on probation, fine, or
13 take any disciplinary or non-disciplinary action as the
14 Department may deem proper, including fines not to exceed
15 \$10,000 for each violation, with regard to any licensee for
16 any one or combination of the following causes:

17 1. Material misstatement in furnishing information to
18 the Department.

19 2. Violations of this Act, or the rules promulgated
20 hereunder.

21 3. Making any misrepresentation for the purpose of
22 obtaining licenses.

23 4. A pattern of conduct which demonstrates
24 incompetence or unfitness to practice.

1 5. Aiding or assisting another person in violating any
2 provision of this Act or rules.

3 6. Failing, within 60 days, to respond to a written
4 request made by the Department for information.

5 7. Engaging in unprofessional, dishonorable, or
6 unethical conduct of a character likely to deceive,
7 defraud, or harm the public as defined by rule.

8 8. Adverse action taken by another state or
9 jurisdiction against a license or other authorization to
10 practice as a pharmacy, pharmacist, registered certified
11 pharmacy technician, or registered pharmacy technician
12 that is the same or substantially equivalent to those set
13 forth in this Section, a certified copy of the record of
14 the action taken by the other state or jurisdiction being
15 prima facie evidence thereof.

16 9. Directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership, or association
18 any fee, commission, rebate, or other form of compensation
19 for any professional services not actually or personally
20 rendered. Nothing in this item 9 affects any bona fide
21 independent contractor or employment arrangements among
22 health care professionals, health facilities, health care
23 providers, or other entities, except as otherwise
24 prohibited by law. Any employment arrangements may include
25 provisions for compensation, health insurance, pension, or
26 other employment benefits for the provision of services

1 within the scope of the licensee's practice under this
2 Act. Nothing in this item 9 shall be construed to require
3 an employment arrangement to receive professional fees for
4 services rendered.

5 10. A finding by the Department that the licensee,
6 after having his license placed on probationary status,
7 has violated the terms of probation.

8 11. Selling or engaging in the sale of drug samples
9 provided at no cost by drug manufacturers.

10 12. Physical illness, including, but not limited to,
11 deterioration through the aging process, or loss of motor
12 skill which results in the inability to practice the
13 profession with reasonable judgment, skill or safety.

14 13. A finding that licensure or registration has been
15 applied for or obtained by fraudulent means.

16 14. Conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or
18 sentencing, including, but not limited to, convictions,
19 preceding sentences of supervision, conditional discharge,
20 or first offender probation, under the laws of any
21 jurisdiction of the United States that is (i) a felony or
22 (ii) a misdemeanor, an essential element of which is
23 dishonesty, or that is directly related to the practice of
24 pharmacy or involves controlled substances.

25 15. Habitual or excessive use or addiction to alcohol,
26 narcotics, stimulants, or any other chemical agent or drug

1 which results in the inability to practice with reasonable
2 judgment, skill, or safety.

3 16. Willfully making or filing false records or
4 reports in the practice of pharmacy, including, but not
5 limited to, false records to support claims against the
6 medical assistance program of the Department of Healthcare
7 and Family Services (formerly Department of Public Aid)
8 under the Public Aid Code.

9 17. Gross and willful overcharging for professional
10 services including filing false statements for collection
11 of fees for which services are not rendered, including,
12 but not limited to, filing false statements for collection
13 of monies for services not rendered from the medical
14 assistance program of the Department of Healthcare and
15 Family Services (formerly Department of Public Aid) under
16 the Public Aid Code.

17 18. Dispensing prescription drugs without receiving a
18 written or oral prescription in violation of law.

19 19. Upon a finding of a substantial discrepancy in a
20 Department audit of a prescription drug, including
21 controlled substances, as that term is defined in this Act
22 or in the Illinois Controlled Substances Act.

23 20. Physical or mental illness or any other impairment
24 or disability, including, without limitation: (A)
25 deterioration through the aging process or loss of motor
26 skills that results in the inability to practice with

1 reasonable judgment, skill, or safety; or (B) mental
2 incompetence, as declared by a court of competent
3 jurisdiction.

4 21. Violation of the Health Care Worker Self-Referral
5 Act.

6 22. Failing to sell or dispense any drug, medicine, or
7 poison in good faith. "Good faith", for the purposes of
8 this Section, has the meaning ascribed to it in subsection
9 (u) of Section 102 of the Illinois Controlled Substances
10 Act. "Good faith", as used in this item (22), shall not be
11 limited to the sale or dispensing of controlled
12 substances, but shall apply to all prescription drugs.

13 23. Interfering with the professional judgment of a
14 pharmacist by any licensee under this Act, or the
15 licensee's agents or employees.

16 24. Failing to report within 60 days to the Department
17 any adverse final action taken against a pharmacy,
18 pharmacist, registered pharmacy technician, or registered
19 certified pharmacy technician by another licensing
20 jurisdiction in any other state or any territory of the
21 United States or any foreign jurisdiction, any
22 governmental agency, any law enforcement agency, or any
23 court for acts or conduct similar to acts or conduct that
24 would constitute grounds for discipline as defined in this
25 Section.

26 25. Failing to comply with a subpoena issued in

1 accordance with Section 35.5 of this Act.

2 26. Disclosing protected health information in
3 violation of any State or federal law.

4 27. Willfully failing to report an instance of
5 suspected abuse, neglect, financial exploitation, or
6 self-neglect of an eligible adult as defined in and
7 required by the Adult Protective Services Act.

8 28. Being named as an abuser in a verified report by
9 the Department on Aging under the Adult Protective
10 Services Act, and upon proof by clear and convincing
11 evidence that the licensee abused, neglected, or
12 financially exploited an eligible adult as defined in the
13 Adult Protective Services Act.

14 29. Using advertisements or making solicitations that
15 may jeopardize the health, safety, or welfare of patients,
16 including, but not limited to, the use of advertisements
17 or solicitations that:

18 (A) are false, fraudulent, deceptive, or
19 misleading; or

20 (B) include any claim regarding a professional
21 service or product or the cost or price thereof that
22 cannot be substantiated by the licensee.

23 30. Requiring a pharmacist to participate in the use
24 or distribution of advertisements or in making
25 solicitations that may jeopardize the health, safety, or
26 welfare of patients.

1 31. Failing to provide a working environment for all
2 pharmacy personnel that protects the health, safety, and
3 welfare of a patient, which includes, but is not limited
4 to, failing to:

5 (A) employ sufficient personnel to prevent
6 fatigue, distraction, or other conditions that
7 interfere with a pharmacist's ability to practice with
8 competency and safety or creates an environment that
9 jeopardizes patient care;

10 (B) provide appropriate opportunities for
11 uninterrupted rest periods and meal breaks;

12 (C) provide adequate time for a pharmacist to
13 complete professional duties and responsibilities,
14 including, but not limited to:

15 (i) drug utilization review;

16 (ii) immunization;

17 (iii) counseling;

18 (iv) verification of the accuracy of a
19 prescription; and

20 (v) all other duties and responsibilities of a
21 pharmacist as listed in the rules of the
22 Department.

23 32. Introducing or enforcing external factors, such as
24 productivity or production quotas or other programs
25 against pharmacists, student pharmacists or pharmacy
26 technicians, to the extent that they interfere with the

1 ability of those individuals to provide appropriate
2 professional services to the public.

3 33. Providing an incentive for or inducing the
4 transfer of a prescription for a patient absent a
5 professional rationale.

6 (b) The Department may refuse to issue or may suspend the
7 license of any person who fails to file a return, or to pay the
8 tax, penalty, or interest shown in a filed return, or to pay
9 any final assessment of tax, penalty, or interest, as required
10 by any tax Act administered by the Illinois Department of
11 Revenue, until such time as the requirements of any such tax
12 Act are satisfied.

13 (c) The Department shall revoke any license issued under
14 the provisions of this Act or any prior Act of this State of
15 any person who has been convicted a second time of committing
16 any felony under the Illinois Controlled Substances Act, or
17 who has been convicted a second time of committing a Class 1
18 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid
19 Code. A person whose license issued under the provisions of
20 this Act or any prior Act of this State is revoked under this
21 subsection (c) shall be prohibited from engaging in the
22 practice of pharmacy in this State.

23 (c-5) The Department shall not revoke, suspend, summarily
24 suspend, place on prohibition, reprimand, refuse to issue or
25 renew, or take any other disciplinary or non-disciplinary
26 action against a person's authorization to practice ~~the~~

1 ~~license or permit issued~~ under this Act ~~to practice as a~~
2 ~~pharmacist, registered pharmacy technician, or registered~~
3 ~~certified pharmacy technician~~ based solely upon the person
4 ~~pharmacist, registered pharmacy technician, or registered~~
5 ~~certified pharmacy technician~~ providing, authorizing,
6 recommending, aiding, assisting, referring for, or otherwise
7 participating in any health care service, so long as the care
8 was not unlawful under the laws of this State, regardless of
9 whether the patient was a resident of this State or another
10 state.

11 (c-10) The Department shall not revoke, suspend, summarily
12 suspend, place on prohibition, reprimand, refuse to issue or
13 renew, or take any other disciplinary or non-disciplinary
14 action against a person's authorization to practice ~~the~~
15 ~~license or permit issued~~ under this Act ~~to practice as a~~
16 ~~pharmacist, registered pharmacy technician, or registered~~
17 ~~certified pharmacy technician~~ based upon the person's
18 ~~pharmacist's, registered pharmacy technician's, or registered~~
19 ~~certified pharmacy technician's~~ license, registration, or
20 permit being revoked or suspended, or the person ~~pharmacist~~
21 being otherwise disciplined, by any other state, if that
22 revocation, suspension, or other form of discipline was based
23 solely on the person ~~pharmacist, registered pharmacy~~
24 ~~technician, or registered certified pharmacy technician~~
25 violating another state's laws prohibiting the provision of,
26 authorization of, recommendation of, aiding or assisting in,

1 referring for, or participation in any health care service if
2 that health care service as provided would not have been
3 unlawful under the laws of this State and is consistent with
4 the applicable standard ~~standards~~ of conduct for a person
5 ~~pharmacist, registered pharmacy technician, or registered~~
6 ~~certified pharmacy technician~~ practicing in Illinois under
7 this Act.

8 (c-15) The conduct specified in subsections (c-5) and
9 (c-10) shall not constitute grounds for suspension under
10 Section 35.16.

11 (c-20) An applicant seeking licensure, certification, or
12 authorization pursuant to this Act who has been subject to
13 disciplinary action by a duly authorized professional
14 disciplinary agency of another jurisdiction solely on the
15 basis of having provided, authorized, recommended, aided,
16 assisted, referred for, or otherwise participated in health
17 care shall not be denied such licensure, certification, or
18 authorization, unless the Department determines that such
19 action would have constituted professional misconduct in this
20 State; however, nothing in this Section shall be construed as
21 prohibiting the Department from evaluating the conduct of such
22 applicant and making a determination regarding the licensure,
23 certification, or authorization to practice a profession under
24 this Act.

25 (d) Fines may be imposed in conjunction with other forms
26 of disciplinary action, but shall not be the exclusive

1 disposition of any disciplinary action arising out of conduct
2 resulting in death or injury to a patient. Fines shall be paid
3 within 60 days or as otherwise agreed to by the Department. Any
4 funds collected from such fines shall be deposited in the
5 Illinois State Pharmacy Disciplinary Fund.

6 (e) The entry of an order or judgment by any circuit court
7 establishing that any person holding a license or certificate
8 under this Act is a person in need of mental treatment operates
9 as a suspension of that license. A licensee may resume his or
10 her practice only upon the entry of an order of the Department
11 based upon a finding by the Board that he or she has been
12 determined to be recovered from mental illness by the court
13 and upon the Board's recommendation that the licensee be
14 permitted to resume his or her practice.

15 (f) The Department shall issue quarterly to the Board a
16 status of all complaints related to the profession received by
17 the Department.

18 (g) In enforcing this Section, the Board or the
19 Department, upon a showing of a possible violation, may compel
20 any licensee or applicant for licensure under this Act to
21 submit to a mental or physical examination or both, as
22 required by and at the expense of the Department. The
23 examining physician, or multidisciplinary team involved in
24 providing physical and mental examinations led by a physician
25 consisting of one or a combination of licensed physicians,
26 licensed clinical psychologists, licensed clinical social

1 workers, licensed clinical professional counselors, and other
2 professional and administrative staff, shall be those
3 specifically designated by the Department. The Board or the
4 Department may order the examining physician or any member of
5 the multidisciplinary team to present testimony concerning
6 this mental or physical examination of the licensee or
7 applicant. No information, report, or other documents in any
8 way related to the examination shall be excluded by reason of
9 any common law or statutory privilege relating to
10 communication between the licensee or applicant and the
11 examining physician or any member of the multidisciplinary
12 team. The individual to be examined may have, at his or her own
13 expense, another physician of his or her choice present during
14 all aspects of the examination. Failure of any individual to
15 submit to a mental or physical examination when directed shall
16 result in the automatic suspension of his or her license until
17 such time as the individual submits to the examination. If the
18 Board or Department finds a pharmacist, registered certified
19 pharmacy technician, or registered pharmacy technician unable
20 to practice because of the reasons set forth in this Section,
21 the Board or Department shall require such pharmacist,
22 registered certified pharmacy technician, or registered
23 pharmacy technician to submit to care, counseling, or
24 treatment by physicians or other appropriate health care
25 providers approved or designated by the Department as a
26 condition for continued, restored, or renewed licensure to

1 practice. Any pharmacist, registered certified pharmacy
2 technician, or registered pharmacy technician whose license
3 was granted, continued, restored, renewed, disciplined, or
4 supervised, subject to such terms, conditions, or
5 restrictions, and who fails to comply with such terms,
6 conditions, or restrictions or to complete a required program
7 of care, counseling, or treatment, as determined by the chief
8 pharmacy coordinator, shall be referred to the Secretary for a
9 determination as to whether the licensee shall have his or her
10 license suspended immediately, pending a hearing by the Board.
11 In instances in which the Secretary immediately suspends a
12 license under this subsection (g), a hearing upon such
13 person's license must be convened by the Board within 15 days
14 after such suspension and completed without appreciable delay.
15 The Department and Board shall have the authority to review
16 the subject pharmacist's, registered certified pharmacy
17 technician's, or registered pharmacy technician's record of
18 treatment and counseling regarding the impairment.

19 (h) An individual or organization acting in good faith,
20 and not in a willful and wanton manner, in complying with this
21 Section by providing a report or other information to the
22 Board, by assisting in the investigation or preparation of a
23 report or information, by participating in proceedings of the
24 Board, or by serving as a member of the Board shall not, as a
25 result of such actions, be subject to criminal prosecution or
26 civil damages. Any person who reports a violation of this

1 Section to the Department is protected under subsection (b) of
2 Section 15 of the Whistleblower Act.

3 (i) Members of the Board shall have no liability in any
4 action based upon any disciplinary proceedings or other
5 activity performed in good faith as a member of the Board. The
6 Attorney General shall defend all such actions unless he or
7 she determines either that there would be a conflict of
8 interest in such representation or that the actions complained
9 of were not in good faith or were willful and wanton.

10 If the Attorney General declines representation, the
11 member shall have the right to employ counsel of his or her
12 choice, whose fees shall be provided by the State, after
13 approval by the Attorney General, unless there is a
14 determination by a court that the member's actions were not in
15 good faith or were willful and wanton.

16 The member must notify the Attorney General within 7 days
17 of receipt of notice of the initiation of any action involving
18 services of the Board. Failure to so notify the Attorney
19 General shall constitute an absolute waiver of the right to a
20 defense and indemnification.

21 The Attorney General shall determine, within 7 days after
22 receiving such notice, whether he or she will undertake to
23 represent the member.

24 (j) The Department may adopt rules to implement,
25 administer, and enforce this Section ~~the changes made by this~~
26 ~~amendatory Act of the 102nd General Assembly.~~

1 (Source: P.A. 101-621, eff. 1-1-20; 102-882, eff. 1-1-23;
2 102-1117, eff. 1-13-23.)

3 (225 ILCS 85/30.1)

4 (Section scheduled to be repealed on January 1, 2028)

5 Sec. 30.1. Reporting.

6 (a) When a pharmacist, registered certified pharmacy
7 technician, or a registered pharmacy technician licensed by
8 the Department is terminated for actions which may have
9 threatened patient safety, the pharmacy or
10 pharmacist-in-charge, pursuant to the policies and procedures
11 of the pharmacy at which he or she is employed, shall report
12 the termination to the chief pharmacy coordinator. Such
13 reports shall be strictly confidential and may be reviewed and
14 considered only by the members of the Board or by authorized
15 Department staff. Such reports, and any records associated
16 with such reports, are exempt from public disclosure and the
17 Freedom of Information Act. Although the reports are exempt
18 from disclosure, any formal complaint filed against a licensee
19 or registrant by the Department or any order issued by the
20 Department against a licensee, registrant, or applicant shall
21 be a public record, except as otherwise prohibited by law. A
22 pharmacy shall not take any adverse action, including, but not
23 limited to, disciplining or terminating a person authorized to
24 practice under this Act ~~pharmacist, registered certified~~
25 ~~pharmacy technician, or registered pharmacy technician, as a~~

1 result of an adverse action against the person's license,
2 registration, permit, or clinical privileges or other
3 disciplinary action by another state or health care
4 institution that resulted from the person's ~~pharmacist's,~~
5 ~~registered certified pharmacy technician's,~~ or registered
6 ~~pharmacy technician's~~ provision of, authorization of,
7 recommendation of, aiding or assistance with, referral for, or
8 participation in any health care service, if the adverse
9 action was based solely on a violation of the other state's law
10 prohibiting the provision such health care and related
11 services in the state or for a resident of the state if that
12 health care service would not have been unlawful under the
13 laws of this State and is consistent with the applicable
14 standard of conduct for the person practicing in Illinois
15 under this Act.

16 (b) The report shall be submitted to the chief pharmacy
17 coordinator in a timely fashion. Unless otherwise provided in
18 this Section, the reports shall be filed in writing, on forms
19 provided by the Department, within 60 days after a pharmacy's
20 determination that a report is required under this Act. All
21 reports shall contain only the following information:

22 (1) The name, address, and telephone number of the
23 person making the report.

24 (2) The name, license number, and last known address
25 and telephone number of the person who is the subject of
26 the report.

1 (3) A brief description of the facts which gave rise
2 to the issuance of the report, including dates of
3 occurrence.

4 (c) The contents of any report and any records associated
5 with such report shall be strictly confidential and may only
6 be reviewed by:

7 (1) members of the Board of Pharmacy;

8 (2) the Board of Pharmacy's designated attorney;

9 (3) administrative personnel assigned to open mail
10 containing reports, to process and distribute reports to
11 authorized persons, and to communicate with senders of
12 reports;

13 (4) Department investigators and Department
14 prosecutors; or

15 (5) attorneys from the Office of the Illinois Attorney
16 General representing the Department in litigation in
17 response to specific disciplinary action the Department
18 has taken or initiated against a specific individual
19 pursuant to this Section.

20 (d) Whenever a pharmacy or pharmacist-in-charge makes a
21 report and provides any records associated with that report to
22 the Department, acts in good faith, and not in a willful and
23 wanton manner, the person or entity making the report and the
24 pharmacy or health care institution employing him or her shall
25 not, as a result of such actions, be subject to criminal
26 prosecution or civil damages.

1 (e) The Department may adopt rules to implement,
2 administer, and enforce this Section ~~the changes made by this~~
3 ~~amendatory Act of the 102nd General Assembly.~~

4 (Source: P.A. 102-1117, eff. 1-13-23.)

5 Section 45. The Physician Assistant Practice Act of 1987
6 is amended by changing Section 21 as follows:

7 (225 ILCS 95/21) (from Ch. 111, par. 4621)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 21. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or to renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action with regard to any
13 license issued under this Act as the Department may deem
14 proper, including the issuance of fines not to exceed \$10,000
15 for each violation, for any one or combination of the
16 following causes:

17 (1) Material misstatement in furnishing information to
18 the Department.

19 (2) Violations of this Act, or the rules adopted under
20 this Act.

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or
23 sentencing, including, but not limited to, convictions,
24 preceding sentences of supervision, conditional discharge,

1 or first offender probation, under the laws of any
2 jurisdiction of the United States that is: (i) a felony;
3 or (ii) a misdemeanor, an essential element of which is
4 dishonesty, or that is directly related to the practice of
5 the profession.

6 (4) Making any misrepresentation for the purpose of
7 obtaining licenses.

8 (5) Professional incompetence.

9 (6) Aiding or assisting another person in violating
10 any provision of this Act or its rules.

11 (7) Failing, within 60 days, to provide information in
12 response to a written request made by the Department.

13 (8) Engaging in dishonorable, unethical, or
14 unprofessional conduct, as defined by rule, of a character
15 likely to deceive, defraud, or harm the public.

16 (9) Habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug
18 that results in a physician assistant's inability to
19 practice with reasonable judgment, skill, or safety.

20 (10) Discipline by another U.S. jurisdiction or
21 foreign nation, if at least one of the grounds for
22 discipline is the same or substantially equivalent to
23 those set forth in this Section.

24 (11) Directly or indirectly giving to or receiving
25 from any person, firm, corporation, partnership, or
26 association any fee, commission, rebate, or other form of

1 compensation for any professional services not actually or
2 personally rendered. Nothing in this paragraph (11)
3 affects any bona fide independent contractor or employment
4 arrangements, which may include provisions for
5 compensation, health insurance, pension, or other
6 employment benefits, with persons or entities authorized
7 under this Act for the provision of services within the
8 scope of the licensee's practice under this Act.

9 (12) A finding by the Board that the licensee, after
10 having his or her license placed on probationary status,
11 has violated the terms of probation.

12 (13) Abandonment of a patient.

13 (14) Willfully making or filing false records or
14 reports in his or her practice, including, but not limited
15 to, false records filed with State agencies or
16 departments.

17 (15) Willfully failing to report an instance of
18 suspected child abuse or neglect as required by the Abused
19 and Neglected Child Reporting Act.

20 (16) Physical illness, or mental illness or impairment
21 that results in the inability to practice the profession
22 with reasonable judgment, skill, or safety, including, but
23 not limited to, deterioration through the aging process or
24 loss of motor skill.

25 (17) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and
2 upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (18) (Blank).

7 (19) Gross negligence resulting in permanent injury or
8 death of a patient.

9 (20) Employment of fraud, deception or any unlawful
10 means in applying for or securing a license as a physician
11 assistant.

12 (21) Exceeding the authority delegated to him or her
13 by his or her collaborating physician in a written
14 collaborative agreement.

15 (22) Immoral conduct in the commission of any act,
16 such as sexual abuse, sexual misconduct, or sexual
17 exploitation related to the licensee's practice.

18 (23) Violation of the Health Care Worker Self-Referral
19 Act.

20 (24) Practicing under a false or assumed name, except
21 as provided by law.

22 (25) Making a false or misleading statement regarding
23 his or her skill or the efficacy or value of the medicine,
24 treatment, or remedy prescribed by him or her in the
25 course of treatment.

26 (26) Allowing another person to use his or her license

1 to practice.

2 (27) Prescribing, selling, administering,
3 distributing, giving, or self-administering a drug
4 classified as a controlled substance for other than
5 medically accepted therapeutic purposes.

6 (28) Promotion of the sale of drugs, devices,
7 appliances, or goods provided for a patient in a manner to
8 exploit the patient for financial gain.

9 (29) A pattern of practice or other behavior that
10 demonstrates incapacity or incompetence to practice under
11 this Act.

12 (30) Violating State or federal laws or regulations
13 relating to controlled substances or other legend drugs or
14 ephedra as defined in the Ephedra Prohibition Act.

15 (31) Exceeding the prescriptive authority delegated by
16 the collaborating physician or violating the written
17 collaborative agreement delegating that authority.

18 (32) Practicing without providing to the Department a
19 notice of collaboration or delegation of prescriptive
20 authority.

21 (33) Failure to establish and maintain records of
22 patient care and treatment as required by law.

23 (34) Attempting to subvert or cheat on the examination
24 of the National Commission on Certification of Physician
25 Assistants or its successor agency.

26 (35) Willfully or negligently violating the

1 confidentiality between physician assistant and patient,
2 except as required by law.

3 (36) Willfully failing to report an instance of
4 suspected abuse, neglect, financial exploitation, or
5 self-neglect of an eligible adult as defined in and
6 required by the Adult Protective Services Act.

7 (37) Being named as an abuser in a verified report by
8 the Department on Aging under the Adult Protective
9 Services Act and upon proof by clear and convincing
10 evidence that the licensee abused, neglected, or
11 financially exploited an eligible adult as defined in the
12 Adult Protective Services Act.

13 (38) Failure to report to the Department an adverse
14 final action taken against him or her by another licensing
15 jurisdiction of the United States or a foreign state or
16 country, a peer review body, a health care institution, a
17 professional society or association, a governmental
18 agency, a law enforcement agency, or a court acts or
19 conduct similar to acts or conduct that would constitute
20 grounds for action under this Section.

21 (39) Failure to provide copies of records of patient
22 care or treatment, except as required by law.

23 (40) Entering into an excessive number of written
24 collaborative agreements with licensed physicians
25 resulting in an inability to adequately collaborate.

26 (41) Repeated failure to adequately collaborate with a

1 collaborating physician.

2 (42) Violating the Compassionate Use of Medical
3 Cannabis Program Act.

4 (b) The Department may, without a hearing, refuse to issue
5 or renew or may suspend the license of any person who fails to
6 file a return, or to pay the tax, penalty, or interest shown in
7 a filed return, or to pay any final assessment of the tax,
8 penalty, or interest as required by any tax Act administered
9 by the Illinois Department of Revenue, until such time as the
10 requirements of any such tax Act are satisfied.

11 (b-5) The Department shall not revoke, suspend, summarily
12 suspend, place on prohibition, reprimand, refuse to issue or
13 renew, or take any other disciplinary or non-disciplinary
14 action against a person's authorization to practice ~~the~~
15 ~~license or permit issued~~ under this Act ~~to practice as a~~
16 ~~physician assistant~~ based solely upon the person ~~physician~~
17 ~~assistant~~ providing, authorizing, recommending, aiding,
18 assisting, referring for, or otherwise participating in any
19 health care service, so long as the care was not unlawful under
20 the laws of this State, regardless of whether the patient was a
21 resident of this State or another state.

22 (b-10) The Department shall not revoke, suspend, summarily
23 suspend, place on prohibition, reprimand, refuse to issue or
24 renew, or take any other disciplinary or non-disciplinary
25 action against a person's authorization to practice ~~the~~
26 ~~license or permit issued~~ under this Act ~~to practice as a~~

1 ~~physician assistant~~ based upon the person's ~~physician~~
2 ~~assistant's~~ license, registration, or permit being revoked or
3 suspended, or the person ~~physician assistant~~ being otherwise
4 disciplined, by any other state, if that revocation,
5 suspension, or other form of discipline was based solely on
6 the person ~~physician assistant~~ violating another state's laws
7 prohibiting the provision of, authorization of, recommendation
8 of, aiding or assisting in, referring for, or participation in
9 any health care service if that health care service as
10 provided would not have been unlawful under the laws of this
11 State and is consistent with the applicable standard ~~standards~~
12 of conduct for a person ~~physician assistant~~ practicing in
13 Illinois under this Act.

14 (b-15) The conduct specified in subsections (b-5) and
15 (b-10) shall not constitute grounds for suspension under
16 Section 22.13.

17 (b-20) An applicant seeking licensure, certification, or
18 authorization pursuant to this Act who has been subject to
19 disciplinary action by a duly authorized professional
20 disciplinary agency of another jurisdiction solely on the
21 basis of having provided, authorized, recommended, aided,
22 assisted, referred for, or otherwise participated in health
23 care shall not be denied such licensure, certification, or
24 authorization, unless the Department determines that such
25 action would have constituted professional misconduct in this
26 State; however, nothing in this Section shall be construed as

1 prohibiting the Department from evaluating the conduct of such
2 applicant and making a determination regarding the licensure,
3 certification, or authorization to practice a profession under
4 this Act.

5 (c) The determination by a circuit court that a licensee
6 is subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code operates as an automatic suspension. The suspension will
9 end only upon a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission
11 and issues an order so finding and discharging the patient,
12 and upon the recommendation of the Board to the Secretary that
13 the licensee be allowed to resume his or her practice.

14 (d) In enforcing this Section, the Department upon a
15 showing of a possible violation may compel an individual
16 licensed to practice under this Act, or who has applied for
17 licensure under this Act, to submit to a mental or physical
18 examination, or both, which may include a substance abuse or
19 sexual offender evaluation, as required by and at the expense
20 of the Department.

21 The Department shall specifically designate the examining
22 physician licensed to practice medicine in all of its branches
23 or, if applicable, the multidisciplinary team involved in
24 providing the mental or physical examination or both. The
25 multidisciplinary team shall be led by a physician licensed to
26 practice medicine in all of its branches and may consist of one

1 or more or a combination of physicians licensed to practice
2 medicine in all of its branches, licensed clinical
3 psychologists, licensed clinical social workers, licensed
4 clinical professional counselors, and other professional and
5 administrative staff. Any examining physician or member of the
6 multidisciplinary team may require any person ordered to
7 submit to an examination pursuant to this Section to submit to
8 any additional supplemental testing deemed necessary to
9 complete any examination or evaluation process, including, but
10 not limited to, blood testing, urinalysis, psychological
11 testing, or neuropsychological testing.

12 The Department may order the examining physician or any
13 member of the multidisciplinary team to provide to the
14 Department any and all records, including business records,
15 that relate to the examination and evaluation, including any
16 supplemental testing performed.

17 The Department may order the examining physician or any
18 member of the multidisciplinary team to present testimony
19 concerning the mental or physical examination of the licensee
20 or applicant. No information, report, record, or other
21 documents in any way related to the examination shall be
22 excluded by reason of any common law or statutory privilege
23 relating to communications between the licensee or applicant
24 and the examining physician or any member of the
25 multidisciplinary team. No authorization is necessary from the
26 licensee or applicant ordered to undergo an examination for

1 the examining physician or any member of the multidisciplinary
2 team to provide information, reports, records, or other
3 documents or to provide any testimony regarding the
4 examination and evaluation.

5 The individual to be examined may have, at his or her own
6 expense, another physician of his or her choice present during
7 all aspects of this examination. However, that physician shall
8 be present only to observe and may not interfere in any way
9 with the examination.

10 Failure of an individual to submit to a mental or physical
11 examination, when ordered, shall result in an automatic
12 suspension of his or her license until the individual submits
13 to the examination.

14 If the Department finds an individual unable to practice
15 because of the reasons set forth in this Section, the
16 Department may require that individual to submit to care,
17 counseling, or treatment by physicians approved or designated
18 by the Department, as a condition, term, or restriction for
19 continued, reinstated, or renewed licensure to practice; or,
20 in lieu of care, counseling, or treatment, the Department may
21 file a complaint to immediately suspend, revoke, or otherwise
22 discipline the license of the individual. An individual whose
23 license was granted, continued, reinstated, renewed,
24 disciplined, or supervised subject to such terms, conditions,
25 or restrictions, and who fails to comply with such terms,
26 conditions, or restrictions, shall be referred to the

1 Secretary for a determination as to whether the individual
2 shall have his or her license suspended immediately, pending a
3 hearing by the Department.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that
6 person's license must be convened by the Department within 30
7 days after the suspension and completed without appreciable
8 delay. The Department shall have the authority to review the
9 subject individual's record of treatment and counseling
10 regarding the impairment to the extent permitted by applicable
11 federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 An individual licensed under this Act and affected under
14 this Section shall be afforded an opportunity to demonstrate
15 to the Department that he or she can resume practice in
16 compliance with acceptable and prevailing standards under the
17 provisions of his or her license.

18 (e) An individual or organization acting in good faith,
19 and not in a willful and wanton manner, in complying with this
20 Section by providing a report or other information to the
21 Board, by assisting in the investigation or preparation of a
22 report or information, by participating in proceedings of the
23 Board, or by serving as a member of the Board, shall not be
24 subject to criminal prosecution or civil damages as a result
25 of such actions.

26 (f) Members of the Board shall be indemnified by the State

1 for any actions occurring within the scope of services on the
2 Board, done in good faith and not willful and wanton in nature.
3 The Attorney General shall defend all such actions unless he
4 or she determines either that there would be a conflict of
5 interest in such representation or that the actions complained
6 of were not in good faith or were willful and wanton.

7 If the Attorney General declines representation, the
8 member has the right to employ counsel of his or her choice,
9 whose fees shall be provided by the State, after approval by
10 the Attorney General, unless there is a determination by a
11 court that the member's actions were not in good faith or were
12 willful and wanton.

13 The member must notify the Attorney General within 7 days
14 after receipt of notice of the initiation of any action
15 involving services of the Board. Failure to so notify the
16 Attorney General constitutes an absolute waiver of the right
17 to a defense and indemnification.

18 The Attorney General shall determine, within 7 days after
19 receiving such notice, whether he or she will undertake to
20 represent the member.

21 (g) The Department may adopt rules to implement,
22 administer, and enforce this Section ~~the changes made by this~~
23 ~~amendatory Act of the 102nd General Assembly.~~

24 (Source: P.A. 101-363, eff. 8-9-19; 102-558, eff. 8-20-21;
25 102-1117, eff. 1-13-23.)

1 Section 50. The Professional Counselor and Clinical
2 Professional Counselor Licensing and Practice Act is amended
3 by changing Section 80 as follows:

4 (225 ILCS 107/80)

5 (Section scheduled to be repealed on January 1, 2028)

6 Sec. 80. Grounds for discipline.

7 (a) The Department may refuse to issue, renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary or non-disciplinary action as the Department
10 deems appropriate, including the issuance of fines not to
11 exceed \$10,000 for each violation, with regard to any license
12 for any one or more of the following:

13 (1) Material misstatement in furnishing information to
14 the Department or to any other State agency.

15 (2) Violations or negligent or intentional disregard
16 of this Act or rules adopted under this Act.

17 (3) Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States: (i)
23 that is a felony or (ii) that is a misdemeanor, an
24 essential element of which is dishonesty, or that is
25 directly related to the practice of the profession.

1 (4) Fraud or any misrepresentation in applying for or
2 procuring a license under this Act or in connection with
3 applying for renewal of a license under this Act.

4 (5) Professional incompetence or gross negligence in
5 the rendering of professional counseling or clinical
6 professional counseling services.

7 (6) Malpractice.

8 (7) Aiding or assisting another person in violating
9 any provision of this Act or any rules.

10 (8) Failing to provide information within 60 days in
11 response to a written request made by the Department.

12 (9) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public and violating the rules of
15 professional conduct adopted by the Department.

16 (10) Habitual or excessive use or abuse of drugs as
17 defined in law as controlled substances, alcohol, or any
18 other substance which results in inability to practice
19 with reasonable skill, judgment, or safety.

20 (11) Discipline by another jurisdiction, the District
21 of Columbia, territory, county, or governmental agency, if
22 at least one of the grounds for the discipline is the same
23 or substantially equivalent to those set forth in this
24 Section.

25 (12) Directly or indirectly giving to or receiving
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of
2 compensation for any professional service not actually
3 rendered. Nothing in this paragraph (12) affects any bona
4 fide independent contractor or employment arrangements
5 among health care professionals, health facilities, health
6 care providers, or other entities, except as otherwise
7 prohibited by law. Any employment arrangements may include
8 provisions for compensation, health insurance, pension, or
9 other employment benefits for the provision of services
10 within the scope of the licensee's practice under this
11 Act. Nothing in this paragraph (12) shall be construed to
12 require an employment arrangement to receive professional
13 fees for services rendered.

14 (13) A finding by the Board that the licensee, after
15 having the license placed on probationary status, has
16 violated the terms of probation.

17 (14) Abandonment of a client.

18 (15) Willfully filing false reports relating to a
19 licensee's practice, including, but not limited to, false
20 records filed with federal or State agencies or
21 departments.

22 (16) Willfully failing to report an instance of
23 suspected child abuse or neglect as required by the Abused
24 and Neglected Child Reporting Act and in matters
25 pertaining to suspected abuse, neglect, financial
26 exploitation, or self-neglect of adults with disabilities

1 and older adults as set forth in the Adult Protective
2 Services Act.

3 (17) Being named as a perpetrator in an indicated
4 report by the Department of Children and Family Services
5 pursuant to the Abused and Neglected Child Reporting Act,
6 and upon proof by clear and convincing evidence that the
7 licensee has caused a child to be an abused child or
8 neglected child as defined in the Abused and Neglected
9 Child Reporting Act.

10 (18) Physical or mental illness or disability,
11 including, but not limited to, deterioration through the
12 aging process or loss of abilities and skills which
13 results in the inability to practice the profession with
14 reasonable judgment, skill, or safety.

15 (19) Solicitation of professional services by using
16 false or misleading advertising.

17 (20) Allowing one's license under this Act to be used
18 by an unlicensed person in violation of this Act.

19 (21) A finding that licensure has been applied for or
20 obtained by fraudulent means.

21 (22) Practicing under a false or, except as provided
22 by law, an assumed name.

23 (23) Gross and willful overcharging for professional
24 services including filing statements for collection of
25 fees or moneys for which services are not rendered.

26 (24) Rendering professional counseling or clinical

1 professional counseling services without a license or
2 practicing outside the scope of a license.

3 (25) Clinical supervisors failing to adequately and
4 responsibly monitor supervisees.

5 All fines imposed under this Section shall be paid within
6 60 days after the effective date of the order imposing the
7 fine.

8 (b) (Blank).

9 (b-5) The Department may refuse to issue or may suspend
10 without hearing, as provided for in the Code of Civil
11 Procedure, the license of any person who fails to file a
12 return, pay the tax, penalty, or interest shown in a filed
13 return, or pay any final assessment of the tax, penalty, or
14 interest as required by any tax Act administered by the
15 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied in accordance
17 with subsection (g) of Section 2105-15 of the Department of
18 Professional Regulation Law of the Civil Administrative Code
19 of Illinois.

20 (b-10) In cases where the Department of Healthcare and
21 Family Services has previously determined a licensee or a
22 potential licensee is more than 30 days delinquent in the
23 payment of child support and has subsequently certified the
24 delinquency to the Department, the Department may refuse to
25 issue or renew or may revoke or suspend that person's license
26 or may take other disciplinary action against that person

1 based solely upon the certification of delinquency made by the
2 Department of Healthcare and Family Services in accordance
3 with item (5) of subsection (a) of Section 2105-15 of the
4 Department of Professional Regulation Law of the Civil
5 Administrative Code of Illinois.

6 (c) The determination by a court that a licensee is
7 subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code will result in an automatic suspension of his or her
10 license. The suspension will end upon a finding by a court that
11 the licensee is no longer subject to involuntary admission or
12 judicial admission, the issuance of an order so finding and
13 discharging the patient, and the recommendation of the Board
14 to the Secretary that the licensee be allowed to resume
15 professional practice.

16 (c-1) The Department shall not revoke, suspend, summarily
17 suspend, place on prohibition, reprimand, refuse to issue or
18 renew, or take any other disciplinary or non-disciplinary
19 action against a person's authorization to practice ~~the~~
20 ~~license or permit issued~~ under this Act ~~to practice as a~~
21 ~~professional counselor or clinical professional counselor~~
22 based solely upon the person ~~professional counselor or~~
23 ~~clinical professional counselor~~ authorizing, recommending,
24 aiding, assisting, referring for, or otherwise participating
25 in any health care service, so long as the care was not
26 unlawful under the laws of this State, regardless of whether

1 the patient was a resident of this State or another state.

2 (c-2) The Department shall not revoke, suspend, summarily
3 suspend, place on prohibition, reprimand, refuse to issue or
4 renew, or take any other disciplinary or non-disciplinary
5 action against a person's authorization to practice ~~the~~
6 ~~license or permit issued under this Act to practice as a~~
7 ~~professional counselor or clinical professional counselor~~
8 based upon the person's ~~professional counselor's or clinical~~
9 ~~professional counselor's~~ license, registration, or permit
10 being revoked or suspended, or the person ~~professional~~
11 ~~counselor or clinical professional counselor~~ being otherwise
12 disciplined, by any other state, if that revocation,
13 suspension, or other form of discipline was based solely on
14 the person ~~professional counselor or clinical professional~~
15 ~~counselor~~ violating another state's laws prohibiting the
16 provision of, authorization of, recommendation of, aiding or
17 assisting in, referring for, or participation in any health
18 care service if that health care service as provided would not
19 have been unlawful under the laws of this State and is
20 consistent with the applicable standard ~~standards~~ of conduct
21 for a person ~~professional counselor or clinical professional~~
22 ~~counselor~~ practicing in Illinois under this Act.

23 (c-3) The conduct specified in subsection (c-1), (c-2),
24 (c-6), or (c-7) shall not constitute grounds for suspension
25 under Section 145.

26 (c-4) An applicant seeking licensure, certification, or

1 authorization pursuant to this Act who has been subject to
2 disciplinary action by a duly authorized professional
3 disciplinary agency of another jurisdiction solely on the
4 basis of having authorized, recommended, aided, assisted,
5 referred for, or otherwise participated in health care shall
6 not be denied such licensure, certification, or authorization,
7 unless the Department determines that such action would have
8 constituted professional misconduct in this State; however,
9 nothing in this Section shall be construed as prohibiting the
10 Department from evaluating the conduct of such applicant and
11 making a determination regarding the licensure, certification,
12 or authorization to practice a profession under this Act.

13 (c-5) In enforcing this Act, the Department, upon a
14 showing of a possible violation, may compel an individual
15 licensed to practice under this Act, or who has applied for
16 licensure under this Act, to submit to a mental or physical
17 examination, or both, as required by and at the expense of the
18 Department. The Department may order the examining physician
19 to present testimony concerning the mental or physical
20 examination of the licensee or applicant. No information shall
21 be excluded by reason of any common law or statutory privilege
22 relating to communications between the licensee or applicant
23 and the examining physician. The examining physicians shall be
24 specifically designated by the Department. The individual to
25 be examined may have, at his or her own expense, another
26 physician of his or her choice present during all aspects of

1 this examination. The examination shall be performed by a
2 physician licensed to practice medicine in all its branches.
3 Failure of an individual to submit to a mental or physical
4 examination, when directed, shall result in an automatic
5 suspension without hearing.

6 All substance-related violations shall mandate an
7 automatic substance abuse assessment. Failure to submit to an
8 assessment by a licensed physician who is certified as an
9 addictionist or an advanced practice registered nurse with
10 specialty certification in addictions may be grounds for an
11 automatic suspension.

12 If the Department finds an individual unable to practice
13 or unfit for duty because of the reasons set forth in this
14 subsection (c-5), the Department may require that individual
15 to submit to a substance abuse evaluation or treatment by
16 individuals or programs approved or designated by the
17 Department, as a condition, term, or restriction for
18 continued, restored, or renewed licensure to practice; or, in
19 lieu of evaluation or treatment, the Department may file, or
20 the Board may recommend to the Department to file, a complaint
21 to immediately suspend, revoke, or otherwise discipline the
22 license of the individual. An individual whose license was
23 granted, continued, restored, renewed, disciplined, or
24 supervised subject to such terms, conditions, or restrictions,
25 and who fails to comply with such terms, conditions, or
26 restrictions, shall be referred to the Secretary for a

1 determination as to whether the individual shall have his or
2 her license suspended immediately, pending a hearing by the
3 Department.

4 A person holding a license under this Act or who has
5 applied for a license under this Act who, because of a physical
6 or mental illness or disability, including, but not limited
7 to, deterioration through the aging process or loss of motor
8 skill, is unable to practice the profession with reasonable
9 judgment, skill, or safety, may be required by the Department
10 to submit to care, counseling, or treatment by physicians
11 approved or designated by the Department as a condition, term,
12 or restriction for continued, reinstated, or renewed licensure
13 to practice. Submission to care, counseling, or treatment as
14 required by the Department shall not be considered discipline
15 of a license. If the licensee refuses to enter into a care,
16 counseling, or treatment agreement or fails to abide by the
17 terms of the agreement, the Department may file a complaint to
18 revoke, suspend, or otherwise discipline the license of the
19 individual. The Secretary may order the license suspended
20 immediately, pending a hearing by the Department. Fines shall
21 not be assessed in disciplinary actions involving physical or
22 mental illness or impairment.

23 In instances in which the Secretary immediately suspends a
24 person's license under this Section, a hearing on that
25 person's license must be convened by the Department within 15
26 days after the suspension and completed without appreciable

1 delay. The Department shall have the authority to review the
2 subject individual's record of treatment and counseling
3 regarding the impairment to the extent permitted by applicable
4 federal statutes and regulations safeguarding the
5 confidentiality of medical records.

6 An individual licensed under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate
8 to the Department that he or she can resume practice in
9 compliance with acceptable and prevailing standards under the
10 provisions of his or her license.

11 (c-6) The Department may not revoke, suspend, summarily
12 suspend, place on prohibition, reprimand, refuse to issue or
13 renew, or take any other disciplinary or non-disciplinary
14 action against a person's authorization to practice ~~the~~
15 ~~license or permit issued~~ under this Act ~~to practice as a~~
16 ~~professional counselor or clinical professional counselor~~
17 based solely upon an immigration violation by the person
18 ~~counselor~~.

19 (c-7) The Department may not revoke, suspend, summarily
20 suspend, place on prohibition, reprimand, refuse to issue or
21 renew, or take any other disciplinary or non-disciplinary
22 action against a person's authorization to practice ~~the~~
23 ~~license or permit issued~~ under this Act ~~to practice as a~~
24 ~~professional counselor or clinical professional counselor~~
25 based upon the person's ~~professional counselor's or clinical~~
26 ~~professional counselor's~~ license, registration, or permit

1 being revoked or suspended, or the person ~~professional~~
2 ~~counselor or clinical professional counselor~~ being otherwise
3 disciplined, by any other state, if that revocation,
4 suspension, or other form of discipline was based solely upon
5 an immigration violation by the person ~~counselor~~.

6 (d) (Blank).

7 (e) The Department may adopt rules to implement,
8 administer, and enforce this Section ~~the changes made by this~~
9 ~~amendatory Act of the 102nd General Assembly.~~

10 (Source: P.A. 102-878, eff. 1-1-23; 102-1117, eff. 1-13-23;
11 103-715, eff. 1-1-25.)

12 Section 55. The Wholesale Drug Distribution Licensing Act
13 is amended by changing Section 55 as follows:

14 (225 ILCS 120/55) (from Ch. 111, par. 8301-55)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 55. Discipline; grounds.

17 (a) The Department may refuse to issue, restore, or renew,
18 or may revoke, suspend, place on probation, reprimand or take
19 other disciplinary or non-disciplinary action as the
20 Department may deem appropriate, including imposing fines not
21 to exceed \$10,000 for each violation, with regard to any
22 applicant or licensee or any officer, director, manager, or
23 shareholder who owns 5% or more interest in the business that
24 holds the license for any one or a combination of the following

1 reasons:

2 (1) Violation of this Act or of the rules adopted
3 under this Act.

4 (2) Aiding or assisting another person in violating
5 any provision of this Act or the rules adopted under this
6 Act.

7 (3) Failing, within 60 days, to provide information in
8 response to a written requirement made by the Department.

9 (4) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public. This includes violations of
12 "good faith" as defined by the Illinois Controlled
13 Substances Act and applies to all prescription drugs.

14 (5) Discipline by another U.S. jurisdiction or foreign
15 nation, if at least one of the grounds for the discipline
16 is the same or substantially equivalent to those set forth
17 in this Act.

18 (6) Selling or engaging in the sale of drug samples
19 provided at no cost by drug manufacturers.

20 (7) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or by
22 sentencing of any crime, including, but not limited to,
23 convictions, preceding sentences of supervision,
24 conditional discharge, or first offender probation, under
25 the laws of any jurisdiction of the United States that is
26 (i) a felony or (ii) a misdemeanor, an essential element

1 of which is dishonesty or that is directly related to the
2 practice of this profession.

3 (8) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants, or any other chemical agent or drug
5 by the designated representative, as provided for in item
6 (7) of subsection (b) of Section 25 of this Act, any
7 officer, or director that results in the inability to
8 function with reasonable judgment, skill, or safety.

9 (9) Material misstatement in furnishing information to
10 the Department.

11 (10) A finding by the Department that the licensee,
12 after having his or her license placed on probationary
13 status, has violated the terms of probation.

14 (11) Fraud or misrepresentation in applying for, or
15 procuring, a license under this Act or in connection with
16 applying for renewal of a license under this Act.

17 (12) Willfully making or filing false records or
18 reports.

19 (13) A finding of a substantial discrepancy in a
20 Department audit of a prescription drug, including a
21 controlled substance as that term is defined in this Act
22 or in the Illinois Controlled Substances Act.

23 (14) Falsifying a pedigree or selling, distributing,
24 transferring, manufacturing, repackaging, handling, or
25 holding a counterfeit prescription drug intended for human
26 use.

1 (15) Interfering with a Department investigation.

2 (16) Failing to adequately secure controlled
3 substances or other prescription drugs from diversion.

4 (17) Acquiring or distributing prescription drugs not
5 obtained from a source licensed by the Department.

6 (18) Failing to properly store drugs.

7 (19) Failing to maintain the licensed premises with
8 proper storage and security controls.

9 (b) The Department may refuse to issue or may suspend the
10 license or registration of any person who fails to file a
11 return, or to pay the tax, penalty, or interest shown in a
12 filed return, or to pay any final assessment of tax, penalty,
13 or interest, as required by any tax Act administered by the
14 Illinois Department of Revenue, until the time the
15 requirements of the tax Act are satisfied.

16 (c) The Department shall revoke the license or certificate
17 of registration issued under this Act or any prior Act of this
18 State of any person who has been convicted a second time of
19 committing any felony under the Illinois Controlled Substances
20 Act or the Methamphetamine Control and Community Protection
21 Act or who has been convicted a second time of committing a
22 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
23 Public Aid Code. A person whose license or certificate of
24 registration issued under this Act or any prior Act of this
25 State is revoked under this subsection (c) shall be prohibited
26 from engaging in the practice of pharmacy in this State.

1 (d) The Department shall not revoke, suspend, summarily
2 suspend, place on prohibition, reprimand, refuse to issue or
3 renew, or take any other disciplinary or non-disciplinary
4 action against a person's authorization to practice under this
5 Act based solely upon the person authorizing, recommending,
6 aiding, assisting, referring for, or otherwise participating
7 in any health care service, so long as the care was not
8 unlawful under the laws of this State, regardless of whether
9 the patient was a resident of this State or another state.

10 (e) The Department shall not revoke, suspend, summarily
11 suspend, place on prohibition, reprimand, refuse to issue or
12 renew, or take any other disciplinary or non-disciplinary
13 action against a person's authorization to practice under this
14 Act based upon the person's license, registration, or permit
15 being revoked or suspended, or the person being otherwise
16 disciplined, by any other state if that revocation,
17 suspension, or other form of discipline was based solely on
18 the person violating another state's laws prohibiting the
19 provision of, authorization of, recommendation of, aiding or
20 assisting in, referring for, or participation in any health
21 care service if that health care service as provided would not
22 have been unlawful under the laws of this State and is
23 consistent with any applicable standard of conduct for the
24 person practicing in Illinois under this Act.

25 (Source: P.A. 97-804, eff. 1-1-13; 97-813, eff. 7-13-12;
26 98-463, eff. 8-16-13.)

1 Section 60. The Registered Surgical Assistant and
2 Registered Surgical Technologist Title Protection Act is
3 amended by changing Section 75 as follows:

4 (225 ILCS 130/75)

5 (Section scheduled to be repealed on January 1, 2029)

6 Sec. 75. Grounds for disciplinary action.

7 (a) The Department may refuse to issue, renew, or restore
8 a registration, may revoke or suspend a registration, or may
9 place on probation, reprimand, or take other disciplinary or
10 non-disciplinary action with regard to a person registered
11 under this Act, including, but not limited to, the imposition
12 of fines not to exceed \$10,000 for each violation and the
13 assessment of costs as provided for in Section 90, for any one
14 or combination of the following causes:

15 (1) Making a material misstatement in furnishing
16 information to the Department.

17 (2) Violating a provision of this Act or rules adopted
18 under this Act.

19 (3) Conviction by plea of guilty or nolo contendere,
20 finding of guilt, jury verdict, or entry of judgment or by
21 sentencing of any crime, including, but not limited to,
22 convictions, preceding sentences of supervision,
23 conditional discharge, or first offender probation, under
24 the laws of any jurisdiction of the United States that is

1 (i) a felony or (ii) a misdemeanor, an essential element
2 of which is dishonesty, or that is directly related to the
3 practice of the profession.

4 (4) Fraud or misrepresentation in applying for,
5 renewing, restoring, reinstating, or procuring a
6 registration under this Act.

7 (5) Aiding or assisting another person in violating a
8 provision of this Act or its rules.

9 (6) Failing to provide information within 60 days in
10 response to a written request made by the Department.

11 (7) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public, as defined by rule of the
14 Department.

15 (8) Discipline by another United States jurisdiction,
16 governmental agency, unit of government, or foreign
17 nation, if at least one of the grounds for discipline is
18 the same or substantially equivalent to those set forth in
19 this Section.

20 (9) Directly or indirectly giving to or receiving from
21 a person, firm, corporation, partnership, or association a
22 fee, commission, rebate, or other form of compensation for
23 professional services not actually or personally rendered.
24 Nothing in this paragraph (9) affects any bona fide
25 independent contractor or employment arrangements among
26 health care professionals, health facilities, health care

1 providers, or other entities, except as otherwise
2 prohibited by law. Any employment arrangements may include
3 provisions for compensation, health insurance, pension, or
4 other employment benefits for the provision of services
5 within the scope of the registrant's practice under this
6 Act. Nothing in this paragraph (9) shall be construed to
7 require an employment arrangement to receive professional
8 fees for services rendered.

9 (10) A finding by the Department that the registrant,
10 after having the registration placed on probationary
11 status, has violated the terms of probation.

12 (11) Willfully making or filing false records or
13 reports in the practice, including, but not limited to,
14 false records or reports filed with State agencies.

15 (12) Willfully making or signing a false statement,
16 certificate, or affidavit to induce payment.

17 (13) Willfully failing to report an instance of
18 suspected child abuse or neglect as required under the
19 Abused and Neglected Child Reporting Act.

20 (14) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and
23 upon proof by clear and convincing evidence that the
24 registrant has caused a child to be an abused child or
25 neglected child as defined in the Abused and Neglected
26 Child Reporting Act.

1 (15) (Blank).

2 (16) Failure to report to the Department (A) any
3 adverse final action taken against the registrant by
4 another registering or licensing jurisdiction, government
5 agency, law enforcement agency, or any court or (B)
6 liability for conduct that would constitute grounds for
7 action as set forth in this Section.

8 (17) Habitual or excessive use or abuse of drugs
9 defined in law as controlled substances, alcohol, or any
10 other substance that results in the inability to practice
11 with reasonable judgment, skill, or safety.

12 (18) Physical or mental illness, including, but not
13 limited to, deterioration through the aging process or
14 loss of motor skills, which results in the inability to
15 practice the profession for which the person is registered
16 with reasonable judgment, skill, or safety.

17 (19) Gross malpractice.

18 (20) Immoral conduct in the commission of an act
19 related to the registrant's practice, including, but not
20 limited to, sexual abuse, sexual misconduct, or sexual
21 exploitation.

22 (21) Violation of the Health Care Worker Self-Referral
23 Act.

24 (b) The Department may refuse to issue or may suspend
25 without hearing the registration of a person who fails to file
26 a return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay a final assessment of the tax, penalty, or
2 interest as required by a tax Act administered by the
3 Department of Revenue, until the requirements of the tax Act
4 are satisfied in accordance with subsection (g) of Section
5 2105-15 of the Department of Professional Regulation Law of
6 the Civil Administrative Code of Illinois.

7 (b-1) The Department shall not revoke, suspend, summarily
8 suspend, place on probation, reprimand, refuse to issue or
9 renew, or take any other disciplinary or non-disciplinary
10 action against a person's authorization to practice ~~the~~
11 ~~license issued~~ under this Act ~~to practice as a registered~~
12 ~~surgical assistant or registered surgical technologist~~ based
13 solely upon the person ~~registered surgical assistant or~~
14 ~~registered surgical technologist~~ providing, authorizing,
15 recommending, aiding, assisting, referring for, or otherwise
16 participating in any health care service, so long as the care
17 was not unlawful under the laws of this State, regardless of
18 whether the patient was a resident of this State or another
19 state.

20 (b-2) The Department shall not revoke, suspend, summarily
21 suspend, place on prohibition, reprimand, refuse to issue or
22 renew, or take any other disciplinary or non-disciplinary
23 action against a person's authorization to practice ~~the~~
24 ~~license issued~~ under this Act ~~to practice as a registered~~
25 ~~surgical assistant or registered surgical technologist~~ based
26 upon the person's ~~registered surgical assistant's or~~

1 ~~registered surgical technologist's~~ license, registration, or
2 permit being revoked or suspended, or the person ~~registered~~
3 ~~surgical assistant's or registered surgical technologist's~~
4 being otherwise disciplined, by any other state, if that
5 revocation, suspension, or other form of discipline was based
6 solely on the person ~~registered surgical assistant or~~
7 ~~registered surgical technologist~~ violating another state's
8 laws prohibiting the provision of, authorization of,
9 recommendation of, aiding or assisting in, referring for, or
10 participation in any health care service if that health care
11 service as provided would not have been unlawful under the
12 laws of this State and is consistent with the applicable
13 standard ~~standards~~ of conduct for the person ~~registered~~
14 ~~surgical assistant or registered surgical technologist~~
15 practicing in this State under this Act.

16 (b-3) The conduct specified in subsection (b-1) or (b-2)
17 shall not constitute grounds for suspension under Section 145.

18 (b-4) An applicant seeking licensure, certification, or
19 authorization pursuant to this Act who has been subject to
20 disciplinary action by a duly authorized professional
21 disciplinary agency of another jurisdiction solely on the
22 basis of having provided, authorized, recommended, aided,
23 assisted, referred for, or otherwise participated in health
24 care shall not be denied such licensure, certification, or
25 authorization, unless the Department determines that such
26 action would have constituted professional misconduct in this

1 State. Nothing in this Section shall be construed as
2 prohibiting the Department from evaluating the conduct of such
3 applicant and making a determination regarding the licensure,
4 certification, or authorization to practice a profession under
5 this Act.

6 (c) The determination by a circuit court that a registrant
7 is subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code operates as an automatic suspension. The suspension will
10 end only upon (1) a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission,
12 (2) issuance of an order so finding and discharging the
13 patient, and (3) filing of a petition for restoration
14 demonstrating fitness to practice.

15 (d) (Blank).

16 (e) In cases where the Department of Healthcare and Family
17 Services has previously determined a registrant or a potential
18 registrant is more than 30 days delinquent in the payment of
19 child support and has subsequently certified the delinquency
20 to the Department, the Department may refuse to issue or renew
21 or may revoke or suspend that person's registration or may
22 take other disciplinary action against that person based
23 solely upon the certification of delinquency made by the
24 Department of Healthcare and Family Services in accordance
25 with paragraph (5) of subsection (a) of Section 2105-15 of the
26 Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois.

2 (f) In enforcing this Section, the Department, upon a
3 showing of a possible violation, may compel any individual
4 registered under this Act or any individual who has applied
5 for registration to submit to a mental or physical examination
6 and evaluation, or both, that may include a substance abuse or
7 sexual offender evaluation, at the expense of the Department.
8 The Department shall specifically designate the examining
9 physician licensed to practice medicine in all of its branches
10 or, if applicable, the multidisciplinary team involved in
11 providing the mental or physical examination and evaluation,
12 or both. The multidisciplinary team shall be led by a
13 physician licensed to practice medicine in all of its branches
14 and may consist of one or more or a combination of physicians
15 licensed to practice medicine in all of its branches, licensed
16 chiropractic physicians, licensed clinical psychologists,
17 licensed clinical social workers, licensed clinical
18 professional counselors, and other professional and
19 administrative staff. Any examining physician or member of the
20 multidisciplinary team may require any person ordered to
21 submit to an examination and evaluation pursuant to this
22 Section to submit to any additional supplemental testing
23 deemed necessary to complete any examination or evaluation
24 process, including, but not limited to, blood testing,
25 urinalysis, psychological testing, or neuropsychological
26 testing.

1 The Department may order the examining physician or any
2 member of the multidisciplinary team to provide to the
3 Department any and all records, including business records,
4 that relate to the examination and evaluation, including any
5 supplemental testing performed. The Department may order the
6 examining physician or any member of the multidisciplinary
7 team to present testimony concerning this examination and
8 evaluation of the registrant or applicant, including testimony
9 concerning any supplemental testing or documents relating to
10 the examination and evaluation. No information, report,
11 record, or other documents in any way related to the
12 examination and evaluation shall be excluded by reason of any
13 common law or statutory privilege relating to communication
14 between the registrant or applicant and the examining
15 physician or any member of the multidisciplinary team. No
16 authorization is necessary from the registrant or applicant
17 ordered to undergo an evaluation and examination for the
18 examining physician or any member of the multidisciplinary
19 team to provide information, reports, records, or other
20 documents or to provide any testimony regarding the
21 examination and evaluation. The individual to be examined may
22 have, at the individual's own expense, another physician of
23 the individual's choice present during all aspects of the
24 examination.

25 Failure of any individual to submit to mental or physical
26 examination and evaluation, or both, when directed, shall

1 result in an automatic suspension without a hearing until such
2 time as the individual submits to the examination. If the
3 Department finds a registrant unable to practice because of
4 the reasons set forth in this Section, the Department shall
5 require such registrant to submit to care, counseling, or
6 treatment by physicians approved or designated by the
7 Department as a condition for continued, reinstated, or
8 renewed registration.

9 When the Secretary immediately suspends a registration
10 under this Section, a hearing upon such person's registration
11 must be convened by the Department within 15 days after such
12 suspension and completed without appreciable delay. The
13 Department shall have the authority to review the registrant's
14 record of treatment and counseling regarding the impairment to
15 the extent permitted by applicable federal statutes and
16 regulations safeguarding the confidentiality of medical
17 records.

18 Individuals registered under this Act and affected under
19 this Section shall be afforded an opportunity to demonstrate
20 to the Department that they can resume practice in compliance
21 with acceptable and prevailing standards under the provisions
22 of their registration.

23 (g) All fines imposed under this Section shall be paid
24 within 60 days after the effective date of the order imposing
25 the fine or in accordance with the terms set forth in the order
26 imposing the fine.

1 (h) ~~(f)~~ The Department may adopt rules to implement,
2 administer, and enforce this Section ~~the changes made by~~
3 ~~Public Act 102-1117.~~

4 (Source: P.A. 102-1117, eff. 1-13-23; 103-387, eff. 1-1-24;
5 103-605, eff. 7-1-24; revised 10-16-24.)

6 Section 65. The Genetic Counselor Licensing Act is amended
7 by changing Section 95 as follows:

8 (225 ILCS 135/95)

9 (Section scheduled to be repealed on January 1, 2030)

10 Sec. 95. Grounds for discipline.

11 (a) The Department may refuse to issue, renew, or may
12 revoke, suspend, place on probation, reprimand, or take other
13 disciplinary or non-disciplinary action as the Department
14 deems appropriate, including the issuance of fines not to
15 exceed \$10,000 for each violation, with regard to any license
16 for any one or more of the following:

17 (1) Material misstatement in furnishing information to
18 the Department or to any other State agency.

19 (2) Violations or negligent or intentional disregard
20 of this Act, or any of its rules.

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or
23 sentencing, including, but not limited to, convictions,
24 preceding sentences of supervision, conditional discharge,

1 or first offender probation, under the laws of any
2 jurisdiction of the United States: (i) that is a felony or
3 (ii) that is a misdemeanor, an essential element of which
4 is dishonesty, or that is directly related to the practice
5 of genetic counseling.

6 (4) Making any misrepresentation for the purpose of
7 obtaining a license, or violating any provision of this
8 Act or its rules.

9 (5) Negligence in the rendering of genetic counseling
10 services.

11 (6) Failure to provide genetic testing results and any
12 requested information to a referring physician licensed to
13 practice medicine in all its branches, advanced practice
14 registered nurse, or physician assistant.

15 (7) Aiding or assisting another person in violating
16 any provision of this Act or any rules.

17 (8) Failing to provide information within 60 days in
18 response to a written request made by the Department.

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public and violating the rules of
22 professional conduct adopted by the Department.

23 (10) Failing to maintain the confidentiality of any
24 information received from a client, unless otherwise
25 authorized or required by law.

26 (10.5) Failure to maintain client records of services

1 provided and provide copies to clients upon request.

2 (11) Exploiting a client for personal advantage,
3 profit, or interest.

4 (12) Habitual or excessive use or addiction to
5 alcohol, narcotics, stimulants, or any other chemical
6 agent or drug which results in inability to practice with
7 reasonable skill, judgment, or safety.

8 (13) Discipline by another governmental agency or unit
9 of government, by any jurisdiction of the United States,
10 or by a foreign nation, if at least one of the grounds for
11 the discipline is the same or substantially equivalent to
12 those set forth in this Section.

13 (14) Directly or indirectly giving to or receiving
14 from any person, firm, corporation, partnership, or
15 association any fee, commission, rebate, or other form of
16 compensation for any professional service not actually
17 rendered. Nothing in this paragraph (14) affects any bona
18 fide independent contractor or employment arrangements
19 among health care professionals, health facilities, health
20 care providers, or other entities, except as otherwise
21 prohibited by law. Any employment arrangements may include
22 provisions for compensation, health insurance, pension, or
23 other employment benefits for the provision of services
24 within the scope of the licensee's practice under this
25 Act. Nothing in this paragraph (14) shall be construed to
26 require an employment arrangement to receive professional

1 fees for services rendered.

2 (15) A finding by the Department that the licensee,
3 after having the license placed on probationary status,
4 has violated the terms of probation.

5 (16) Failing to refer a client to other health care
6 professionals when the licensee is unable or unwilling to
7 adequately support or serve the client.

8 (17) Willfully filing false reports relating to a
9 licensee's practice, including, but not limited to, false
10 records filed with federal or State agencies or
11 departments.

12 (18) Willfully failing to report an instance of
13 suspected child abuse or neglect as required by the Abused
14 and Neglected Child Reporting Act.

15 (19) Being named as a perpetrator in an indicated
16 report by the Department of Children and Family Services
17 pursuant to the Abused and Neglected Child Reporting Act,
18 and upon proof by clear and convincing evidence that the
19 licensee has caused a child to be an abused child or
20 neglected child as defined in the Abused and Neglected
21 Child Reporting Act.

22 (20) Physical or mental disability, including
23 deterioration through the aging process or loss of
24 abilities and skills which results in the inability to
25 practice the profession with reasonable judgment, skill,
26 or safety.

1 (21) Solicitation of professional services by using
2 false or misleading advertising.

3 (22) Failure to file a return, or to pay the tax,
4 penalty, or ~~of~~ interest shown in a filed return, or to pay
5 any final assessment of tax, penalty, or interest, as
6 required by any tax Act administered by the Illinois
7 Department of Revenue or any successor agency or the
8 Internal Revenue Service or any successor agency.

9 (23) Fraud or making any misrepresentation in applying
10 for or procuring a license under this Act or in connection
11 with applying for renewal of a license under this Act.

12 (24) Practicing or attempting to practice under a name
13 other than the full name as shown on the license or any
14 other legally authorized name.

15 (25) Gross overcharging for professional services,
16 including filing statements for collection of fees or
17 moneys for which services are not rendered.

18 (26) (Blank).

19 (27) Charging for professional services not rendered,
20 including filing false statements for the collection of
21 fees for which services are not rendered.

22 (28) Allowing one's license under this Act to be used
23 by an unlicensed person in violation of this Act.

24 (b) (Blank).

25 (b-5) The Department shall not revoke, suspend, summarily
26 suspend, place on prohibition, reprimand, refuse to issue or

1 renew, or take any other disciplinary or non-disciplinary
2 action against a person's authorization to practice the
3 ~~license or permit issued~~ under this Act ~~to practice as a~~
4 ~~genetic counselor~~ based solely upon the person genetic
5 ~~counselor~~ authorizing, recommending, aiding, assisting,
6 referring for, or otherwise participating in any health care
7 service, so long as the care was not unlawful under the laws of
8 this State, regardless of whether the patient was a resident
9 of this State or another state.

10 (b-10) The Department shall not revoke, suspend, summarily
11 suspend, place on prohibition, reprimand, refuse to issue or
12 renew, or take any other disciplinary or non-disciplinary
13 action against a person's authorization to practice the
14 ~~license or permit issued~~ under this Act ~~to practice as a~~
15 ~~genetic counselor~~ based upon the person's genetic counselor's
16 license, registration, or permit being revoked or suspended,
17 or the person genetic counselor being otherwise disciplined,
18 by any other state, if that revocation, suspension, or other
19 form of discipline was based solely on the person genetic
20 ~~counselor~~ violating another state's laws prohibiting the
21 provision of, authorization of, recommendation of, aiding or
22 assisting in, referring for, or participation in any health
23 care service if that health care service as provided would not
24 have been unlawful under the laws of this State and is
25 consistent with the applicable standard ~~standards~~ of conduct
26 for the person practicing ~~genetic counselor~~ if it occurred in

1 Illinois under this Act.

2 (b-15) The conduct specified in subsections (b-5) and
3 (b-10) shall not constitute grounds for suspension under
4 Section 160.

5 (b-20) An applicant seeking licensure, certification, or
6 authorization pursuant to this Act who has been subject to
7 disciplinary action by a duly authorized professional
8 disciplinary agency of another jurisdiction solely on the
9 basis of having authorized, recommended, aided, assisted,
10 referred for, or otherwise participated in health care shall
11 not be denied such licensure, certification, or authorization,
12 unless the Department determines that such action would have
13 constituted professional misconduct in this State; however,
14 nothing in this Section shall be construed as prohibiting the
15 Department from evaluating the conduct of such applicant and
16 making a determination regarding the licensure, certification,
17 or authorization to practice a profession under this Act.

18 (c) The determination by a court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code will result in an automatic suspension of the license.
22 The suspension will end upon a finding by a court that the
23 licensee is no longer subject to involuntary admission or
24 judicial admission, the issuance of an order so finding and
25 discharging the patient, and the determination of the
26 Secretary that the licensee be allowed to resume professional

1 practice.

2 (d) The Department may refuse to issue or renew or may
3 suspend without hearing the license of any person who fails to
4 file a return, to pay the tax penalty or interest shown in a
5 filed return, or to pay any final assessment of the tax,
6 penalty, or interest as required by any Act regarding the
7 payment of taxes administered by the Illinois Department of
8 Revenue until the requirements of the Act are satisfied in
9 accordance with subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (e) In cases where the Department of Healthcare and Family
12 Services has previously determined that a licensee or a
13 potential licensee is more than 30 days delinquent in the
14 payment of child support and has subsequently certified the
15 delinquency to the Department, the Department may refuse to
16 issue or renew or may revoke or suspend that person's license
17 or may take other disciplinary action against that person
18 based solely upon the certification of delinquency made by the
19 Department of Healthcare and Family Services in accordance
20 with item (5) of subsection (a) of Section 2105-15 of the
21 Department of Professional Regulation Law of the Civil
22 Administrative Code of Illinois.

23 (f) All fines or costs imposed under this Section shall be
24 paid within 60 days after the effective date of the order
25 imposing the fine or costs or in accordance with the terms set
26 forth in the order imposing the fine.

1 (g) The Department may adopt rules to implement,
2 administer, and enforce this Section ~~the changes made by this~~
3 ~~amendatory Act of the 102nd General Assembly.~~

4 (Source: P.A. 102-1117, eff. 1-13-23; 103-763, eff. 1-1-25.)

5 Section 70. The Illinois Food, Drug and Cosmetic Act is
6 amended by changing Sections 7, 14, and 15 as follows:

7 (410 ILCS 620/7) (from Ch. 56 1/2, par. 507)

8 Sec. 7. Only upon a report of a violation of this Act from
9 ~~the~~ ~~It shall be the duty of each state's attorney to whom the~~
10 Director, a State's Attorney shall ~~reports any violation of~~
11 ~~this Act, to~~ cause appropriate proceedings to be instituted in
12 the proper courts without delay and to be prosecuted in the
13 manner required by law. Before the Director reports any
14 violation of this Act ~~is reported~~ to any such state's attorney
15 for the institution of a criminal proceeding, the person
16 against whom such proceeding is contemplated shall be given
17 appropriate notice and an opportunity to present his views
18 before the Director or his designated agent, either orally or
19 in writing, in person or by attorney, with regard to such
20 contemplated proceeding.

21 (Source: Laws 1967, p. 959.)

22 (410 ILCS 620/14) (from Ch. 56 1/2, par. 514)

23 Sec. 14. A drug or device is adulterated: (a) (1) If it

1 consists in whole or in part of any filthy, putrid or
2 decomposed substance; or (2) (A) if it has been produced,
3 prepared, packed or held under unsanitary conditions whereby
4 it may have been contaminated with filth or whereby it may have
5 been rendered injurious to health; or (B) if it is a drug and
6 the methods used in, or the facilities or controls used for,
7 its manufacture, processing, packing or holding do not conform
8 to or are not operated or administered in conformity with
9 current good manufacturing practice to assure that such drug
10 meets the requirements of the Act as to safety and has the
11 identity and strength and meets the quality and purity
12 characteristics which it purports or is represented to
13 possess; or (3) if it is a drug and its container is composed,
14 in whole or in part, of any poisonous or deleterious substance
15 which may render the contents injurious to health; or (4) if
16 (A) it is a drug and it bears or contains, for purposes of
17 coloring only, a color additive which is unsafe within the
18 meaning of Section 706 of the Federal Act or (B) it is a color
19 additive, the intended use of which in or on drugs or devices
20 is for purposes of coloring only and is unsafe within the
21 meaning of Section 706 of the Federal Act; or (5) if it is a
22 new animal drug which is unsafe within the meaning of Section
23 512 of the Federal Act; or (6) if it is an animal feed bearing
24 or containing a new animal drug, and such animal feed is unsafe
25 within the meaning of Section 512 of the Federal Act.

26 (b) If it purports to be or is represented as a drug the

1 name of which is recognized in an official compendium, and its
2 strength differs from or its quality or purity falls below the
3 standard set forth in such compendium. Such determination as
4 to strength, quality or purity shall be made in accordance
5 with the tests or methods of assay set forth in such compendium
6 or in the absence of or inadequacy of such tests or methods of
7 assay, those prescribed under authority of the Federal Act. No
8 drug defined in an official compendium is adulterated under
9 this subsection because it differs from the standard of
10 strength, quality or purity therefor set forth in such
11 compendium, if its difference in strength, quality or purity
12 from such standard is plainly stated on its label. When a drug
13 is recognized in both the United States Pharmacopoeia -
14 National Formulary and the Homeopathic Pharmacopoeia of the
15 United States it shall be subject to the requirements of the
16 United States Pharmacopoeia - National Formulary unless it is
17 labeled and offered for sale as a homeopathic drug, in which
18 case it shall be subject to the provisions of the Homeopathic
19 Pharmacopoeia of the United States and not to those of the
20 United States Pharmacopoeia - National Formulary.

21 (c) If it is not subject to the provisions of subsection
22 (b) of this Section and its strength differs from or its purity
23 or quality falls below that which it purports or is
24 represented to possess.

25 (d) If it is a drug and any substance has been (1) mixed or
26 packed therewith so as to reduce its quality or strength; or

1 (2) substituted wholly or in part therefor.

2 (e) If it is, or purports to be or is represented as, a
3 device which is subject to a performance standard established
4 under Section 514 of the Federal Act, unless such device is in
5 all respects in conformity with such standard.

6 (f) If it is a device and the methods used in, or the
7 facilities or controls used for, its manufacture, packing,
8 storage, or installations are not in conformity with
9 applicable requirements under Section 520(b)(1) of the Federal
10 Act or an applicable condition as prescribed by an order under
11 Section 520(b)(2) of the Federal Act.

12 (g) If it is a device for which an exemption has been
13 granted under Section 520(g) of the Federal Act for
14 investigational use and the person who was granted such
15 exemption fails to comply with a requirement prescribed by or
16 under such Section.

17 (h) If a drug had been approved by the U.S. Food and Drug
18 Administration before January 1, 2025, the revocation of
19 approval of the drug by the U.S. Food and Drug Administration
20 after that date shall not cause it to be deemed an adulterated
21 drug in violation of this Act if the drug is recommended for
22 use by the World Health Organization, even if the drug's
23 labeling reflects prior approval that is no longer in effect,
24 so long as the drug's labeling was true and accurate at the
25 time of its manufacture. This subsection (h) is inoperative on
26 and after January 1, 2035.

1 (Source: P.A. 84-891.)

2 (410 ILCS 620/15) (from Ch. 56 1/2, par. 515)

3 Sec. 15. A drug or device is misbranded - (a) If its
4 labeling is false or misleading in any particular.

5 (b) If in package form unless it bears a label containing
6 (1) the name and place of business of the manufacturer, packer
7 or distributor; and (2) an accurate statement of the quantity
8 of the contents in terms of weight, measure or numerical
9 count. However, under paragraph (2) of this subsection
10 reasonable variations shall be permitted and exemptions as to
11 small packages shall be allowed, in accordance with
12 regulations prescribed by the Director or issued under the
13 Federal Act.

14 (c) If any word, statement or other information required
15 by or under authority of this Act to appear on the label or
16 labeling is not prominently placed thereon with such
17 conspicuousness (as compared with other words, statements,
18 designs or devices, in the labeling) and in such terms as to
19 render it likely to be read and understood by the ordinary
20 person under customary conditions of purchase and use.

21 (d) If it is for use by man and contains any quantity of
22 the narcotic or hypnotic substance alpha-eucaine, barbituric
23 acid, beta-eucaine, bromal, cannabis, carbromal, chloral,
24 coca, cocaine, codeine, heroin, marihuana, morphine, opium,
25 paraldehyde, peyote or sulphonmethane, (or any chemical

1 derivative of such substance, which derivative, after
2 investigation, has been found to be and is designated as habit
3 forming, by regulations issued by the Director under this Act,
4 or by regulations issued pursuant to Section 502(d) of the
5 Federal Act) unless its label bears the name and quantity or
6 proportion of such substance or derivative and in
7 juxtaposition therewith the statement "Warning--May be habit
8 forming".

9 (e) (1) If it is a drug, unless (A) its label bears to the
10 exclusion of any other nonproprietary name (except the
11 applicable systematic chemical name or the chemical formula),
12 (i) the established name (as defined in paragraph (2) of this
13 subsection) of the drug, if such there be; and (ii), in case it
14 is fabricated from 2 or more ingredients, the established name
15 and quantity of each active ingredient, including the kind and
16 quantity or proportion of any alcohol, and also including
17 whether active or not, the established name and quantity or
18 proportion of any bromides, ether, chloroform, acetanilid,
19 acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine,
20 hyoscyamine, arsenic, digitalis, digitalis glucosides,
21 mercury, ouabain, strophanthin, strychnine, thyroid or any
22 derivative or preparation of any such substances contained
23 therein, except the requirement for stating the quantity of
24 the active ingredients, other than the quantity of those
25 specifically named in this paragraph, shall apply only to
26 prescription drugs; and, (B) for any prescription drug the

1 established name of such drug or ingredient, as the case may
2 be, on such label (and on any labeling on which a name for such
3 drug or ingredient is used) is printed prominently and in type
4 at least half as large as that used thereon for any proprietary
5 name or designation for such drug or ingredient to the extent
6 that compliance with the requirements of subclause (ii) of
7 clause (A) or clause (B) of this paragraph is impracticable,
8 exemptions may be allowed under regulations promulgated by the
9 Director or under the Federal Act.

10 (2) As used in paragraph (1) of this subsection (e),
11 "established name", with respect to a drug or ingredient
12 thereof, means (A) the applicable official name designated
13 pursuant to Section 508 of the Federal Act, or (B) if there is
14 no such name and such drug or such ingredient is an article
15 recognized in an official compendium, then the official title
16 thereof in such compendium or (C) if neither clause (A) nor
17 clause (B) of this paragraph applies, then the common or usual
18 name, if any, of such drug or of such ingredient. However,
19 where clause (B) of this paragraph applies to an article
20 recognized in the United States Pharmacopoeia - National
21 Formulary and in the Homeopathic Pharmacopoeia under different
22 official titles, the official title used in the United States
23 Pharmacopoeia - National Formulary shall apply unless it is
24 labeled and offered for sale as a homeopathic drug, in which
25 case the official title used in the Homeopathic Pharmacopoeia
26 shall apply.

1 (3) If it is a device and it has an established name,
2 unless its label bears, to the exclusion of any other
3 nonproprietary name, its established name (as defined in
4 paragraph (4) of this subsection (e)) prominently printed in
5 type at least half as large as that used thereon for any
6 proprietary name or designation for such device, except that
7 to the extent compliance with this paragraph (3) is
8 impracticable, exemptions shall be allowed under regulations
9 promulgated under the Federal Act.

10 (4) As used in paragraph (3), "established name", with
11 respect to a device, means (A) the applicable official name of
12 the device designated pursuant to Section 508 of the Federal
13 Act, (B) if there is no such name and such device is an article
14 recognized in an official compendium, then the official title
15 thereof in such compendium, or (C) if neither clause (A) nor
16 clause (B) of this paragraph applies, then any common or usual
17 name.

18 (f) Unless its labeling bears (1) adequate directions for
19 use; and (2) such adequate warnings against use in those
20 pathological conditions or by children where its use may be
21 dangerous to health or against unsafe dosage or methods or
22 duration of administration or application in such manner and
23 form as are necessary for the protection of users. However,
24 where any requirement of clause (1) of this subsection (f) as
25 applied to any drug or device, is not necessary for the
26 protection of the public health, the Director shall promulgate

1 regulations exempting such drug or device from such
2 requirements; and the articles exempted under regulations
3 issued under Section 502(f) of the Federal Act may also be
4 exempt.

5 (g) If it purports to be a drug the name of which is
6 recognized in an official compendium, unless it is packaged
7 and labeled as prescribed therein. However, the method of
8 packing may be modified with the consent of the Director, or if
9 consent is obtained under the Federal Act. When a drug is
10 recognized in both the United States Pharmacopoeia - National
11 Formulary and the Homeopathic Pharmacopoeia of the United
12 States, it shall be subject to the requirements of the United
13 States Pharmacopoeia - National Formulary with respect to
14 packaging and labeling unless it is labeled and offered for
15 sale as a homeopathic drug, in which case it shall be subject
16 to the provisions of the Homeopathic Pharmacopoeia of the
17 United States and not to those of the United States
18 Pharmacopoeia - National Formulary; and, in the event of
19 inconsistency between the requirements of this subsection and
20 those of subsection (e) as to the name by which the drug or its
21 ingredients shall be designated, the requirements of
22 subsection (e) shall prevail.

23 (h) If it has been found by the Director or under the
24 Federal Act to be a drug liable to deterioration, unless it is
25 packaged in such form and manner, and its label bears a
26 statement of such precautions, as the regulations issued by

1 the Director or under the Federal Act require as necessary for
2 the protection of public health. No such regulation shall be
3 established for any drug recognized in an official compendium
4 until the Director shall have informed the appropriate body
5 charged with the revision of such compendium of the need for
6 such packaging or labeling requirements and such body shall
7 have failed within a reasonable time to prescribe such
8 requirements.

9 (i) (1) If it is a drug and its container is so made,
10 formed or filled as to be misleading; or (2) if it is an
11 imitation of another drug; or (3) if it is offered for sale
12 under the name of another drug.

13 (j) If it is dangerous to health when used in the dosage
14 (or manner) or with the frequency or duration prescribed,
15 recommended or suggested in the labeling thereof.

16 (k) If it is or purports to be or is represented as a drug
17 composed wholly or partly of insulin, unless (1) it is a batch
18 with respect to which a certificate or release has been issued
19 pursuant to Section 506 of the Federal Act and (2) such
20 certificate or release is in effect with respect to such drug.

21 (l) If it is or purports to be or is represented as a drug
22 (except a drug for use in animals other than man) composed
23 wholly or partly of any kind of penicillin, streptomycin,
24 chlortetracycline, chloramphenicol or bacitracin or any other
25 antibiotic drug or any derivative thereof unless (1) it is
26 from a batch with respect to which a certificate or release has

1 been issued pursuant to Section 507 of the Federal Act and (2)
2 such certificate or release is in effect with respect to such
3 drug. However, this subsection (1) shall not apply to any drug
4 or class of drugs exempted by regulations promulgated under
5 Section 507(c) or (d) of the Federal Act. For the purpose of
6 this subsection, "antibiotic drug" means any drug intended for
7 use by man containing any quantity of any chemical substance
8 which is produced by a microorganism and which has the
9 capacity to inhibit or destroy microorganisms in dilute
10 solution (including the chemically synthesized equivalent of
11 any such substance).

12 (m) If it is a color additive, the intended use of which in
13 or on drugs is for the purpose of coloring only, unless its
14 packaging and labeling are in conformity with such packaging
15 and labeling requirements applicable to such color additive
16 prescribed under the provision of Section 13(b) or of the
17 Federal Act.

18 (n) In the case of any prescription drug distributed or
19 offered for sale in this State, unless the manufacturer,
20 packer or distributor thereof includes in all advertisements
21 and other descriptive printed matter issued or caused to be
22 issued by the manufacturer, packer or distributor with respect
23 to that drug a true statement of (1) the established name as
24 defined in paragraph (2) of subsection (e) of Section 15 of
25 this Act, (2) the formula showing quantitatively each
26 ingredient of such drug to the extent required for labels

1 under Section 502(e) of the Federal Act, and (3) such other
2 information in brief summary relating to side effects,
3 contraindications, and effectiveness as shall be required in
4 regulations issued under the Federal Act.

5 (o) If it was manufactured, prepared, propagated,
6 compounded or processed in an establishment in this State not
7 duly registered under Section 510 of the Federal Act, if it was
8 not included in a list required by Section 510(j) of the
9 Federal Act, if a notice or other information respecting it
10 was not provided as required by such Section or Section 510(k)
11 of the Federal Act, or if it does not bear such symbols from
12 the uniform system for identification of devices prescribed
13 under Section 510(e) of the Federal Act as required by
14 regulation.

15 (p) If a trademark, trade name or other identifying mark,
16 imprint or device of another or any likeness of the foregoing
17 has been placed thereon or upon its container with intent to
18 defraud.

19 (q) If it is a drug and its packaging or labeling is in
20 violation of an applicable regulation issued pursuant to
21 Section 3, 4 or 5 of the Illinois Poison Prevention Packaging
22 Act.

23 (r) In the case of any restricted device distributed or
24 offered for sale in this State, if (1) its advertising is false
25 or misleading in any particular, or (2) it is sold,
26 distributed or used in violation or regulations prescribed

1 under Section 520(e) of the Federal Act.

2 (s) In the case of any restricted device distributed or
3 offered for sale in this State, unless the manufacturer,
4 packer or distributor thereof includes in all advertisements
5 and other descriptive printed matter issued by the
6 manufacturer, packer or distributor with respect to that
7 device (1) a true statement of the device's established name
8 as defined in Section 502(e) of the Federal Act or subsection
9 (e) of Section 15 of this Act, printed prominently and in type
10 at least half as large as that used for any trade or brand name
11 thereof, and (2) a brief statement of the intended uses of the
12 device and relevant warnings, precautions, side effects and
13 contraindications and in the case of specific devices made
14 subject to regulations issued under the Federal Act, a full
15 description of the components of such device or the formula
16 showing quantitatively each ingredient of such device to the
17 extent required in regulations under the Federal Act.

18 (t) If it is a device subject to a performance standard
19 established under Section 514 of the Federal Act, unless it
20 bears such labeling as may be prescribed in such performance
21 standard.

22 (u) If it is a device and there was a failure or refusal
23 (1) to comply with any requirement prescribed under Section
24 518 of the Federal Act respecting the device, or (2) to furnish
25 material required by or under Section 519 of the Federal Act
26 respecting the device.

1 (v) A drug's status as not approved by the U.S. Food and
2 Drug Administration shall not cause it to be deemed a
3 misbranded drug in violation of this Act if it is recommended
4 for use by the World Health Organization, even if the drug's
5 labelling reflects prior approval that is no longer in effect,
6 so long as such labelling was true and accurate at the time of
7 manufacture.

8 (Source: P.A. 84-891.)

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